

CALIFORNIA COASTAL COMMISSION

South Coast District Office
301 E Ocean Blvd., Suite 300
Long Beach, CA 90802-4302
(562) 590-5071



W16b

A-5-VEN-18-0049 & 5-19-1015 (Mobile Park Investment)

August 12, 2020

CORRESPONDENCE

To the California Coastal Commissioners and Staff –

Since the last hearing on June 12th, 2020, the Commission had commentary on my project that led to the withdraw and resubmittal of the proposed single-family residence with attached ADU. The project has since undergone significant changes, programmatically and architecturally, in order to address the Commission's issues and concerns with what had previously been presented. The proposed design Now includes 3 units: A single family residence with attached JADU and a separate ADU.

Even though the lot is zoned single family, and I purchased the lot to build my family a single-family residence, I have maximized the number of units per LA Zoning Code and newly adopted ADU ordinance to add both an attached 500 sq. ft. JADU and over 1,037 sq. ft. detached ADU. Because the original four-plex is currently only 3 units, there is actually no net loss of units (there was a conversion of two units to one prior to when we purchased the property).

Based on the commission's comments we have reduced the massing of the proposed structure substantially. We separated the detached ADU and have it fronting the canal. This broke up the massing so the building doesn't extend the entire width of the lot. The detached ADU is two stories high to match the existing neighboring building while the single-family residence maintains it's third story, but it is stepped back considerably to reduce the visual presence from a human perspective on the canal. The two separated buildings, both the detached ADU and single-family home appear to be on two separate lots, which is more consistent with the existing single-family residences fronting the canals.

Also based on the comments of the commissioners, we have reduced the overall square footage of the proposed structure, and increased permeability of open site facing the canal. The single-family residence was reduced from a 4,050 sq. ft. residence to a 2,751sq. ft. single-family home, with an attached 500 sq. ft. JADU. Rather than adding more square footage for a new detached ADU, we took from the square footage of the single-family residence and created a new 1,037 sq. ft. detached ADU – adding a new open floorplan living space, kitchen and dining room on the first floor, and a large one bedroom one bathroom space upstairs overlooking the canal with private deck. And even though we increased the number of units, we decreased the overall massing and square footage of the proposed project by re-distributing the square footage to the proposed detached ADU and reducing the third story square footage substantially.

And lastly, we have changed the overall architectural design and character of the home. The proposed design is no longer a 4,600 sq. ft. single structure contemporary home, but rather two separate structures with a more transitional style of architecture. Pulling from craftsman and other traditional detailing and creating balcony spaces that resemble the existing neighboring structures, we have introduced a consistency in façade relationship between the existing context and proposed structures.

With all of the major changes, we believe we have clearly addressed the comments made by the commission, while maintaining the rules set forth in the certified LUP and LA Zoning Code – reducing the loss of housing, decreasing the square footage of the single family residence, breaking up the massing of the structure to allow for two separate canal fronting units, as well as reducing the scale of the home to blend in with the existing context of the neighboring properties. My wife and I are very comfortable with all the changes, and we feel it will be a great space to grow our family.

Best,

Zoran Pevec



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August 6, 2020

ORIGINAL VIA U.S. MAIL

VIA EMAIL dani.ziff@coastal.ca.gov

W16b

California Coastal Commission
c/o South Coast District Office
301 E. Ocean Blvd., Suite 300
Long Beach, CA 90802

Re: Appeal No. A-5-VEN-18-0049
2812 - 2818 Grand Canal, Venice, City of Los Angeles
Meeting Date: August 12, 2020 (W16b)
Support for Staff Recommendation for Project Approval

Dear Honorable Commissioners:

This office represents Mobile Park Investment, Inc. ("MPI"), the owner of the above-addressed property (the "Property") and the applicant in the above-referenced matter. In response to Commission comments at the last hearing in June, MPI has added a second Accessory Dwelling Unit ("ADU") and revised the design to better match the adjacent buildings. **On behalf of MPI we ask for your support for the Staff Recommendation for Approval of the Project with conditions.**

A.) ONLY SINGLE FAMILY USES ARE PERMITTED ON THE PROPERTY.

The subject Property is a single legal parcel originally built in 1947¹ with four small residential units.² In 1971, the City downzoned this stretch of the Grand Canal and, in this specific case, the Property was downzoned from R3-1 to RW1, resulting in the legal non-conforming status of the fourplex. **In 2001, this Commission certified the Venice Land Use Plan ("LUP") which also**

¹ The original 1947 building, which actually sits below sea level, has not been significantly upgraded and is compromised with wood rot, termite damage, extensive mold and deflection in the structure.

² At the time the applicant bought the property the use was a single family home with one rented guest room. No affordable units exist at the Property pursuant to the City's Second Revised Mello Act Determination, dated March 22, 2018.

designated “single family dwelling” as the only approved use for the Property. As a result, a single family home is the only use permitted by all of the governing land use plans and zoning for the Property.

MPI spent several years conceiving the redevelopment of the Property and, in 2016, filed a CDP application for a Project that meets all the legal requirements, including the applicable single family zoning and corresponding General Plan, Specific Plan, and LUP land use regulations. Not only does the Project meet the RW1 zoning requirements³, but it is also consistent with the Low Medium I Density⁴ designation as noted on Exhibit 10b “Land Use Plan (Map): North Venice - Venice Canals” and Policy I. A.4(a) “Venice Canals” of the LUP “‘Use’ Single-family dwelling / one unit per lot.”

To address staff and Commission concerns, MPI has agreed to include two ADUs and to covenant for their permanent maintenance. This will maximize the number of units allowed at this site under current State and local laws.

The Project is supported by the Venice Neighborhood Council and was carefully reviewed and approved with conditions by the City of Los Angeles. It is important to share that the existing Property is completely owner-occupied, no units are leased, and there is no actual loss of rental units.

B.) THE PROJECT IS THE ONLY OPTION THAT COMPLIES WITH THE ZONING AND CERTIFIED LUP.

One of the major policy goals of the Commission certified Venice LUP is to reduce density, congestion and traffic in Venice, and the entire Venice Canals sub-area is zoned for single family uses. **The applicant is prohibited from building anything else except a single family home on this lot.**⁵ Furthermore, an argument that the City-approved Project would prejudice the ability to prepare an LCP is illogical since the Project seeks to bring the Property into compliance with the Coastal Commission certified LUP. Prohibiting the redevelopment of the Property with a single family home, on the other hand, would be wholly inconsistent with the certified LUP and existing zoning.

³ Section 12.08.5.B of the Los Angeles Municipal Code (the “Code”) restricts uses on properties located in the RW-1 “Residential Waterways Zone” to “one family dwelling.”

⁴ The LUP designates the Property as Low Medium I Residential, while the General Plan identifies the Property as Low Medium II Residential. In either event, only single family uses are designated for the Property.

⁵ Even a substantial remodel involving changes to more than 50% of the structure could not occur unless the project included a change of use to a single family home.

The Commission must continue to be guided by the certified LUP. As stated in the staff report for Venice Appeal No. A-5-VEN-18-0038, “when the Commission certified the Venice LUP in 2001, it considered the potential impacts that development could have on community character and adopted policies and specific residential building standards to ensure development was designed with pedestrian scale and compatibility with surrounding development. Moreover, the essence of pedestrian scale was to discourage lot consolidations and higher density in existing single-family residential neighborhoods thereby maintaining the character and density of these stable single-family neighborhoods consistent with the objectives of the State Coastal Act and the City’s General Plan (Policy I.A.2).”

C.) COMMISSION PRECEDENT SUPPORTS APPROVAL OF THE PROJECT.

There is significant Commission precedent for redeveloping previously multi-family buildings with single family residences in the Canals, with most of the Venice Canals Subarea progressively making the transition towards reduced density to align with the zoning and LUP. For example, neighboring properties located at 401 E Howland Canal (duplex), 211 Howland Canal (duplex), and 410 Howland Canal (triplex) were all converted to single family residences in recent years. Most of the recently approved projects on the Canals are single family residences that are three (3) stories with roof decks and roof deck projections at a total height of 40’. Across from the Project are five newer projects that were approved by the Commission (2815 Grand Canal, 2811 Grand Canal, 2803 Grand Canal, 2801 Grand Canal, and 2725 Grand Canal).

The Project complies with the height limitations of the Venice Canals Subarea and does not obstruct views to and along the ocean. The proposed height and massing conforms to regulations outlined in the LUP and Specific Plan and is consistent with the height and massing of similar residential structures fronting the Grand Canal. **Under the certified LUP, the Project conforms to the density, character, and scale of the community. The current, non-conforming structure does not.**

D.) THE INCLUSION OF A 1,000+ SQ. FT. ADU AND A JUNIOR ADU MAXIMIZES THE ALLOWED USE AT THIS SITE.

As described in detail in the Staff Report, the Project is not subject to the State’s new Housing Crisis Act or ADU law, and has been recommended for approval with conditions based upon consistency with the applicable Coastal Act provisions and policies. Still, as requested at the June hearing, the Applicant has now maximized the number of units allowed at this site by the inclusion of a 500 sq. ft. Junior ADU and a canal adjacent fully detached two story 1,037 sq. ft. ADU.

E.) THE REVISED DESIGN IS COMPATIBLE WITH ADJACENT STRUCTURES.

As suggested by the Commission at the June hearing, MPI has revised the canal facing façade to more closely match the mass, scale and features of the adjacent buildings. See Attached Renderings. With the larger detached ADU now planned side by side with the single family home facing the water, the project maintains the existing pattern of development along this stretch of the canal.

In conclusion, the Project conforms to the current Venice Land Use Plan, Specific Plan, General Plan, zoning, and Chapter 3 policies, is consistent with other Canal projects approved by this Commission, and would not prejudice preparation of the LCP. **The conditions of approval requiring two ADUs maximizes the allowed number of units that can be built on this property.**

This appeal has now been pending for over two years. The Commission must take action now. **On behalf of MPI, we ask for your support for the Staff Recommendation for Approval of the Project with conditions.** Thank you for your consideration.

Sincerely,

GAINES & STACEY LLP

Fred Gaines

By

FRED GAINES

cc: All Commissioners
Jack Ainsworth (Via Email)
Steve Hudson (Via Email)
Dani Ziff (Via Email)





7 August 2020

W16b

A-5-VEN-18-0049 & 5-20-0363
2812-2814-2816-2818 Grand Canal, Venice

Approve revised project/plans as two residential units (with separate addressees and utilities) and an ADU

Dear Commissioners and Staff,

We appreciated the thoughtful and considered deliberations you had at the June 12th hearing of this case. We believe it was the right outcome and we are pleased with the applicant's redesign. He listened and took your request to heart and provided a design that respects the property's surroundings and is compatible in scale and character. We especially like the setting of the two buildings side by side, which maintains the general pattern by mimicking the separation between the two sections of the original and surrounding buildings, minimizing the bulk and massing, with the appearance of two residential units on the site.

Here, we are asking that the certified Venice Land Use Plan (LUP) be followed such that the project is approved as two residential units, with separate addresses and utilities, and an ADU.

A. The meaning of "Low Medium I Density" must be considered

Commissioner Rice was absolutely on the right track at the June 12th hearing (see hearing transcript at EXHIBIT I, pages 32 – 33) when she suggested that we need to understand the definition for "Low Medium I Density" as that is different than just single-family residential and could even be a nod to the existing multi-family dwellings. In addition, Jason Douglas, representative for Mike Bonin's City Council District 11, stated at the June 12th hearing (see hearing transcript attached as EXHIBIT I, page 24): "... the City's General Plan and the Venice Community Plan identifies this lot as "Low Medium II," a multi-family designation. The Venice LUP also identifies this lot as "Low Medium I," although contradictory, it's a multi-family designation." [See EXHIBIT II for maps showing that the "Low Medium I" and "Low Medium II" land use designations are multiple-family.) The fact that the land use designation here includes in the description the word "medium" is what makes all the difference. With "Medium" included there is clearly not a hard limit of one residential unit. "Medium" implies at least two residential units. Only "Low Density" requires only one residential unit (ADUs and other accessory uses are allowed in addition). Also, the General Plan Land Use designations do not include or recognize ADUs and neither do the LUP land use designations. The Commission did not certify this area as "single-family residence" or "Single-Family Low Density" but rather as "Single-Family Dwelling – Low Medium I Density." The difference makes clear that a second residential unit is allowed here.

B. The permit should adhere to the allowed density of two dwelling units

Preservation of existing housing stock is one of the main Venice Coastal Issues as per the LUP, page I-3 (see EXHIBIT III). A decrease in multi-family dwelling units to a single-family dwelling plus ADUs does not preserve the existing housing stock. We must not let a decision be a precedent that does not follow the clear language of the LUP that a density of two units is allowed on this property. The second unit allowed by I. A. 4. is not required to be an ADU (see EXHIBIT III).

We are requesting that for the detached ADU that the Commission change its designation from an ADU to a second dwelling unit. A second residential dwelling unit is not akin to an accessory dwelling unit and indicating that a second dwelling unit must be an ADU changes the plain meaning of the LUP--the wording and clear meaning of the LUP is that two residential units are allowed.

The new ADU laws intend for ADUs to be an increase to what is allowed in the current zoning and are not assumed to be already incorporated into the existing zoning. ADUs are a new and additional housing opportunity, on top of what is allowed in the existing zoning, and they were not available in 2001 when the LUP was approved.

Also, the 2000 Coastal Staff Report for the LUP states on page 46 that the second unit must conform equally with the other residential unit for all development standards, including parking. This means that they are two equal units and makes clear that the intent was for the LUP to allow two residential units and not a single-family dwelling and an ADU or accessory unit. In addition, ADUs are not required to meet all of the same development standards or parking requirements as the main residential unit on the lot.

In addition, the City Zoning for this area is invalid, as per correspondence to City Planning explaining that two residential units are what is allowed here (see EXHIBIT II). See also maps attached to the email at EXHIBIT II showing that "Low Medium I" density is in a multiple-family land use category.

C. Staff's correct assessment re. housing loss and role of ADUs in 5-19-1220

We strongly agree with Staff, as detailed in their Staff Report dated July 24, 2020 for 5-19-1220 (Hermosa), that there are differences between an ADU and a true second dwelling unit and that ADUs are not a replacement for, nor do they mitigate for the loss of, a full housing unit:

"... in light of a persistent lack of housing supply across the state and in the coastal zone, it has become apparent that replacement of a full housing unit with an ADU/JADU may not always preserve housing density in the Coastal Zone in a manner consistent with

Chapter 3 policies. ADUs/JADUs are important mechanisms to increase the potential number of independent housing units that can be rented out separately from the primary residence. However, ADUs are dependent on the single-family residence to serve as a housing unit and cannot be sold separately from the primary residence. This differs from a duplex, where the units can have separate utility connections and can be sold independently from one another. In addition, it is more difficult to enforce the continuous provision of an ADU as compared to a duplex, and ADUs are more easily left vacant or used by the occupants of the primary residence. Therefore, there is no guarantee that an ADU will be used or rented out as a second unit...and could easily be used by the homeowner rather than rented."

In this case it is critical to avoid the significant adverse cumulative impact (on the approximately 36 multi-family units in this area) of using ADUs to replace full housing units. Again, we strongly agree with Staff in its Report for 5-19-1220, which states:

"The Commission has, in the past, considered the development of ADUs/JADUs as adequate mitigation for projects that propose to convert duplexes to single-family residences...ADUs do not necessarily provide a meaningful residential unit that is comparable to a unit in a duplex or multi-family structure and, in this case, is not likely to adequately mitigate the impact of removal of a multi-family structure... Given that the subject lot can accommodate two residential units, approving a single-family residence (even with an ADU) has the potential to set a negative precedent within the project vicinity. If this project is approved, other similarly sized lots with multifamily residences within this area could redevelop the lots with single-family residences and effectively downzone an area that was designated in the certified LUP to support primarily two-family development. This runs counter to the certified LUP goal to protect the current diversified mix of housing and would therefore prejudice the ability of the City of Hermosa Beach to develop their LCP consistent with the Chapter 3 Coastal Act policies. On the other hand, a duplex, such as the detached one currently on the project site, is appropriate development in this location and consistent with Section 30251 of the Coastal Act because it is consistent with the certified LUP and compatible with the character of the surrounding area. Thus, there is an alternative form of development that could be approved on the project site. Overall, the character of the neighborhood supports the maintenance of existing housing units, consistent with Coastal Act Sections 30250 and 30253 with regard to siting development in areas that can accommodate it. The development of a single-family residence in this area could have a cumulative impact on the overall character of the surrounding area, inconsistent with Section 30251 of the Coastal Act."

D. For purposes of SCAG projections, "Low Medium I Density" is based on 10-17 units per acre (equals 2 units for subject lot)

As per the LUP, its residential land use densities were assigned in the Venice Coastal Zone to reflect the year 2010 Venice population as projected by the Southern California

Association of Governments (SCAG). The meanings of the various coastal zone land use designations are specific to each jurisdiction and are found in the local land use plans and zoning codes. See EXHIBIT IV for the City of L.A. zoning documents which show that “Low Medium I” Density is based on Uses of 10-17 units per acre and that “Low Medium I” Density is categorized as multi-family residential, implying at least two units. Also, as per the Venice Community Plan maps, both of the Canal waterway zones, RW-1 and RW-2, are indicated as multiple-family. (See maps attached to email at EXHIBIT II.)

Using the definition for “Low Medium I” of 10-17 dwelling units per acre, the following calculation shows that two units are allowed on the subject lot:

- One acre is 43,560 square feet (acre is the same as net acre in this case).
- The area of the 9 lots with multi-family structures surrounding and including the subject Grand Canal property is approximately 47,376 square feet (5,264 square foot-sized lots * 9 lots), which is approximately 10% larger than an acre.
- Adjusting the 10-17 dwelling units per acre up by 10% = 11-18 units are allowed for this 47,376 square foot area.
- 11 - 18 units for that area, spread over 9 lots, would mean the area accommodates up to 2 units per lot, which corresponds to the “one unit per 2,300 square feet of lot area” (2 units for these lots that are over 4,600 square feet) Density development standard in LUP I. A. 4. a. (see EXHIBIT III).

As a cross check, for the total lot area of the 9 multi-family structures, approximately 47,376 square feet, if one unit is allowed per 2,300 square feet, $47,376 / 2,300 = 20.6$ units allowed for the 9 lots, or a little over 2 (2.3) units per lot. Thus, allowing 2 units per lot is correct. Obviously, the 11-18 units per acre is for real housing units and not accessory dwelling units. In addition, Policy I. A. 4. allows this lot to be subdivided: “Lots smaller than 5,000 square feet shall not be subdivided.” (See EXHIBIT III.) This lot, at 5,264 square feet, is more than 5,000 square feet; therefore, it could be subdivided, with one single-family dwelling and one ADU on each lot, thus maintaining the current density. This also supports the conclusion that 2 units are allowed for these 9 existing multi-family lots.

E. Environmental Justice

The second units allowed in all of the various residential land use designations in the LUP are clearly not meant to be accessory dwelling units. We must protect that fact and follow the LUP development standards allowing two residential units in this case. This is particularly important at a time when we’re in a housing crisis that continues to worsen, and especially in light of this Commission’s Environmental Justice Policy Housing section, which states:

"The Commission acknowledges the historical use of discriminatory housing policies in California and their impact on present day demographics in the coastal zone...The Commission will increase these efforts with project applicants, appellants and local governments, by analyzing the cumulative impacts of incremental housing stock loss...The Commission will also support measures that protect existing affordable housing."

F. Summary

Conformance with the Coastal Act requires protection of visual resources and Venice as a Special Coastal Community, which supports a decision that results in the maximum protection of housing density and the character of multi-family neighborhoods. Coastal Act Section 30007.5 requires that in carrying out its provisions that conflicts be resolved in a manner which on balance is the most protective of significant coastal resources. Venice is a Special Coastal Community and a Coastal Resource in and of itself, and preservation of existing housing stock is one of the main Venice Coastal Issues as per the LUP, page I-3 (see EXHIBIT III).

We are asking that the permit reflects two full residential housing units, with separate addressees and utilities, and an ADU. This will set a precedent for the area in order to protect its density and the multi-family character, with respect to any future projects for the other eight surrounding multi-family structures, thus protecting this multi-family, "Low Medium I" density, one-acre area from adverse cumulative impacts.

We are pleased that this project has come to a positive outcome and hope that you will make this important change to the coastal development permit to reflect two dwelling units and an ADU.

Respectfully,

Sue Kaplan, President
Citizens Preserving Venice

EXHIBITS:

- I. Transcript of June 12, 2020 hearing for Item 17b**
- II. Email to City Planning Lisa Weber re. invalid zoning for 2812-2814-2816-2818 Grand Canal**
- III. Applicable excerpts from the certified Venice Land Use Plan**
- IV. City of L.A. definition of "Low Medium I" land use designation**

EXHIBIT 1
Transcript of June 12, 2020 hearing for Item 17b

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T R A N S C R I P T

California Coastal Commission

Hearing

June 12, 2020

Agenda Item 17b
2812-2814-2816-2818 GRAND CANAL
Application Nos:
5-19-1015
A-5-VEN-18-0049

1 Chair Padilla: [03:44:14] Thank you. Alright, welcome back, we
2 will reconvene the commission, and I believe we will be taking up item 17b.
3 Mr. Hudson.

4 Steve Hudson: [03:44:21] Alright. Thank you. If we could bring up
5 the PowerPoint presentation for item 17b, please. Okay, I'll go ahead and
6 start talking while we bring that up. Item 17b is the hearing for the De Novo
7 and related dual CDP application for the demolition of an existing
8 approximately 2,800 square foot, two-story, four-unit residential structure.
9 The two detached garages and the construction of a new three-story, 30-foot
10 high, approximately 4,082 square foot single-family residence with an
11 attached 550 square foot accessory dwelling unit. The applicant is Mobile
12 Park Investments. Next slide please. The subject site fronts Grand Canal
13 and is located approximately 750 feet from the beach in the Venice
14 community within the city of Los Angeles. The site is designated for single-
15 family residential development and the Certified Venice Land Use Plan,
16 which allows for one single-family residence, and due to the large lot size,
17 either a second residential unit, which is akin to a guest unit or an accessory
18 dwelling unit, or an accessory living quarter. As can be seen in this aerial
19 photograph of the site, a mix of one to three-story single-family homes and
20 two-story multi-family dwellings characterize this neighborhood. The site is
21 situated in the center of a row of seven lots that are roughly about twice the
22 size of the other lots in the area, and they contain sim, similar in design two-
23 story dwellings with four units each, all built around 1948. In March of
24 2017, the city of LA approved a Coastal Permit for a demolition of the
25 existing four-unit structure and construction of a new single-family home,
26 which was appealed locally and upon the city's denial of that appeal, was
27 then appealed to this Commission. On December, this last December, the
28 Commission determined that a [03:46:33] substantial issue existed with

1 respect to the grounds on which the appeal was filed, because the project as
2 approved by the city was inconsistent with the unique character in the area
3 and could set an adverse precedent for future development in the
4 neighborhood. This matter was previously scheduled for a De Novo hearing
5 at our December meeting, which was continued to allow staff to more fully
6 respond to questions relating to the maximum number of units that could be
7 allowed onsite, pursuant to the city's un-certified Zoning Code, and the
8 effect of recent updates to the State's ADU laws. Next slide, please. Now
9 the existing multi-family structure on site is considered legally non-
10 conforming. Could we move to the next slide, please? So the existing
11 structure is considered legally nonconforming under the Certified Venice
12 Land Use Plan, and the city's un-certified Zoning Code. The LUP, which
13 provides guidance, allows for one single-family residence on the site, and
14 due to the large size of the lot, allows for a second residential unit or an
15 accessory living quarter. Now, the LUP, under the LUP, second residential
16 unit refers to a unit that is permitted with a single-family home, and is akin
17 to an ADU, while an accessory living quarter is a designation created by the
18 city for a non-rentable unit. Thus, what is allowed onsite, pursuant to the
19 LUP, is a single-family residence with at least one ADU. Under the City of
20 LA's uncertified Zoning Code and un-certified ADU ordinance, which has
21 been updated since the new ADU laws were enacted, one single-family
22 residence and either one attached ADU or junior ADU, or one attached
23 ADU and one junior ADU could be permitted onsite. So, a residence and
24 two ADUs, including the junior unit. After working with Commission staff,
25 the applicant revised the project to include an attached 550 square foot
26 ADU with a separate entrance from the proposed three-story single-family
27 residence. That residence is depicted here on this slide. The proposed ADU
28 [03:48:49] offers an opportunity for more affordable housing onsite or to

1 maintain at least some of the existing housing onsite, and it concentrates
2 development in this already developed area and helps maintain the, some of
3 that multi-family character of the subject neighborhood. Now regarding
4 costal hazards, it's important to note that the project site is located in an area
5 currently subject to flood hazards. That's due to its location directly adjacent
6 to the, to the channel. Staff believes that in this particular case, it would not
7 be, not be inappropriate to allow for a reduction in density from the four
8 units onsite to a lower density, in order to minimize risk to life and
9 property, consistent with the hazard policies of the Certified LUP and the
10 Coastal Act. In terms of the mass and scale of the proposed residence, the
11 residences surrounding the project site are largely one and two-story
12 structures as, a roughly similar size and height, and there are at least five
13 three-story single-family residences located directly across the canal from
14 the residence of similar height as well. The project design is articulated and
15 is set back farther from the canal than the adjacent structures, with the
16 exception of a portion of the second story, which is approximately aligned
17 with the balconies of the adjacent buildings but is allowed under the
18 provisions of the Certified Land Use Plan. In addition, the project includes
19 more open permeable area than the neighboring lots. There are two
20 addendums for this item that respond to multiple letters received from
21 project opponents who are in disagreement with our recommendation, and
22 to summarize, they would like the applicant to be required to maintain all
23 four units onsite, and they raise various issues to support that argument.
24 Staff would note that the issues and arguments raised by the opponents have
25 already been fully addressed in the Staff Report and the adden, and the
26 addendums, and I would also note that, well, in addition, staff has one
27 correction, just to clarify the project description. And that is to clarify that
28 [03:51:02] the total size of the structure is 4,632 square feet. [Look?] on the

1 cover page of the Staff Report, we refer to the hou, the residence as 4,632
2 square feet. The total size of the structure is that size, and that includes a
3 4,082 square foot single-family residence and a 550 square foot accessory
4 dwelling unit. So a total size of 4,632 square feet. And next slide, please. In
5 closing, as conditioned to maintain the ADU onsite for the life of
6 development, staff believes the project is consistent with both the policies
7 of the Certified Venice LUP and Chapter 3 of the Coastal Act. Thus, Staff
8 recommends that the Commission approve the project, subject to the special
9 conditions, found on pages five through ten in the Staff Report. There are
10 two separate motions and resolutions to accomplish this recommendation,
11 and those are found on pages four and five of your reports. That concludes
12 my presentation. Staff is available for any questions.

13 Chair Padilla: [03:52:05] Thank you very much, Mr. Hudson. I see
14 that Commissioner Uranga has his hand up. Commissioner Uranga?

15 Commissioner Uranga: Just wanted to say, I have some ex partes [inaudible].

16 Chair Padilla: Okay, [inaudible] thanks, Commissioner.

17 Commissioner Uranga: Okay, on June second, I had the two ex parte
18 meetings. One with Robin Rudisill who expressed her opposition to the
19 project, and one with Mr. Fred Gaines, and both of these ex partes are on
20 file.

21 Chair Padilla: Thank you, sir. Any additional ex parte? On this
22 item? Alright, staff, how many speakers do we have for the applicant?

23 Meeting Organizer: I see two people listed for the applicant.

24 Chair Padilla: Alright, let's invite them in, please.

25 Meeting Organizer: Okay. First, I have Fred Gaines. Mr. Gaines, I'm
26 bringing you into the meeting now.

27 Fred Gaines: Yes, can you hear me?

28 Meeting Organizer: Yes.

1 Fred Gaines: Thank you.

2 Chair Padilla: [inaudible] Mr. Gaines, you are representing the
3 applicant. Are you the sole speaker for the applicant in this matter, or are
4 there other speakers?

5 Fred Gaines: Myself and the, and the applicant himself.

6 Chair Padilla: Okay, and how much time might you need?

7 Fred Gaines: I would ask 10 minutes presentation, five minutes
8 rebuttal.

9 Chair Padilla: Okay. Welcome, Mr. Gaines.

10 Fred Gaines: [03:53:35] Thank you very much, Mr. Chairman,
11 Honorable Commissioners. My name is Fred Gaines with the law offices of
12 Gaines and Stacey, representing today the applicant, Mr. and Mrs. Zoran
13 Pevec and Mobile Park Investment, Inc. They are the owners of the
14 property. And on behalf of the applicant, we ask for your support for the
15 staff recommendations for approval and of the project with conditions. This,
16 in this particular case, the property has been down zoned to single-family
17 use for almost 50 years - 1971 the city down zoned this entire stretch of the
18 Grand Canal for single-family use, resulting in the prior small multi-family
19 building as becoming legal non-conforming. In 2001, this Commission
20 certified the Venice Land Use Plan, which also designates this property for
21 single-family dwellings as the only approved use on the property. Based on
22 the, on all of the existing zoning and plans on this property, single-family
23 use is the only allowed use. Mr. Pevec bought this property in 2014. At the
24 time he bought it, the use was as a single-family home with one rented guest
25 unit. And Mr. Pevec spent several years conceiving of the development of
26 the property. In 2016, he filed for the CDP application for a project that
27 meets all of the legal requirements, including the single-family zoning, the
28 [03:55:08] corresponding General Plan Designations. There's a Venice

Specific Plan and the Certified Coastal Commission Land Use Plan. They're in those plans, there's the plan map, which clearly identifies this property as single-family dwelling, one unit per lot, and the specific policies of the Land Use Plan, related to this property, which designate the property for single-family dwelling, one unit per lot. You're gonna, you may have read in the letters from some of the opponents, you may hear later citations to different policies in the Venice Certified Land Use Plan. They're, they are, and there are a number of general policies, but the specific policy that relates not only to this property but to all the properties along the canals and Ballona Lagoon Waterways, it states specifically, 'canal, adjacent use development, the only permitted development adjacent to the canals and lagoon shall be habitat restoration, single-family dwellings, public parks and walkways, sub-terrarium or service parking lots, maintenance activities, and emergency repairs. So, it is very clear the direction that's given with regard to this property. The Land Use Plan and the zoning for the property also include very specific details regarding height, setback, lot coverage, and in this case, the project was developed by the owner, who happens to be an architect, so that there was no variance, no exception, no modifications, no adjustment required. It met all of the standards of all of the existing language policies, zoning and plans, including the Commission Certified Land Use Plan. The project was also designed to be consistent with other projects recently approved in the area. Within the last 10 years, a number of projects in this area, some of which had multiple units, were approved and built as single-family homes, consistent with the zoning and the plan. That includes 401 East Howland Canal was a duplex to a single-family home. 211 Howland Canal, a duplex to a single-family home. 410 Howland Canal, a triplex to a single-family [03:57:29] home. All approved through the city and Coastal Commission process. In addition, the home was designed in

1 terms of height, set back and so forth to meet the requirements that had been
2 imposed on similar projects within the last several years, including projects
3 at 8, 2815 Grand Canal, 2811 Grand Canal, 2803 Grand Canal, 2801 Grand
4 Canal, 2725 Grand Canal. All of these consider, things were taken into
5 consideration. Then the applicant went to their local elected Venice
6 Neighborhood Council where the project was heard before the Venice
7 Neighbor Council Land Use Committee, at that time chaired by Ms.
8 Rudisill, who voted in favor of the project. Project then went to the board of
9 the Neighborhood Council and was approved by the, by the elected
10 Neighborhood Council, went through the city process, and was approved.
11 After it was approved, when Mr. Pevac thought he is close to being able to
12 go ahead and build the project, the one tenant that was there was given
13 notice, went through the ELLIS process, that was a lawyer who lived there,
14 paid \$3,100 a month for that unit, and in two thousand, that was in 2017,
15 and in 2018, the city conducted its Mello Review and found that there were
16 no affordable units at this site. So here we are. So then the project goes to
17 Coastal, the appeal is filed, and we, we hit this emerging issue head on. By
18 the way, it's been two full years. It was July of 2018 when this appeal first
19 came, came forward, and we were told the emerging issue was the
20 additional units, and we very quickly worked with staff and said, well,
21 what, what can we do? We can do the ADU, we've designed it, and we
22 talked to s, worked with staff on, on the appropriate location and size. They
23 checked with the city that that would be an allowed use, and as soon as the
24 end of 2018, certainly by January 2019, we were ready to go. And
25 unfortunately, we were stuck in some staff changes and others that have
26 caused this case to sit now for two full years before coming to, to hearing.
27 But this is exactly what I think you want an applicant to do. [03:59:48] You
28 want them to design a project exactly to the exist, the zoning and the

1 Certified Land Use Plan that the Commission has for this area, and that's
2 exactly what they have done. To deny this project, you literally would be
3 saying to an applicant, you cannot do exactly what the zoning, the General
4 Plan, the Specific Plan, and this Coastal Commission certified, and not even
5 that old - 2001 Certified Land Use Plan - says to do on this site. We did add
6 the ADU. In fact - you can ask staff - we were one of the first ones to come
7 up with the proposal to to add the ADU that you've now applied in, in a
8 number of cases that are in similar circumstances. With that, I'll stop at this
9 point and ask Mr. Chairman if you'd call on Mr. Pevec, the applicant, to
10 make his comments at this time.

11 Chair Padilla: [04:00:48] Thank you, Mr. Gaines. Let's invite Mr.
12 Pevec in.

13 Meeting Coordinator: Thank you. Mr. Pevec, I'm bringing you in now.

14 Zoran Pevec: Hello, can you hear me?

15 Meeting Organizer: Yes.

16 Zoran Pevec: [04:00:59] Okay, thank you, commissioners, for your
17 time. I purchased 2814 Grand Canal back in October 2014, almost six years
18 ago. When I bought it, there was one tenant living there at the time. The
19 previous owner converted two units into one, which is where me and my
20 wife reside now. One unit is being as used storage, the third unit was being
21 rented out at \$3,100 a month, as Fred said, until 2017, where it became
22 owner-occupied and I use it for my family to come visit. I purchased the
23 home knowing the zoning and certified LUP designated for the lot is single-
24 family. The goal was to build a home for my wife and I, knowing that we
25 would have children, and we had our first son about three months ago. The
26 home is currently in a deeply degraded state, and to mitigate this ongoing
27 damage over time is just unfeasible. Mold is covering the underside of the
28 raised floor, often coming out between the floorboards and into the kitchen

1 cabinets. I have to get biologists and mold remediation experts do annual
2 testing (which I have) and repairs, as it is unhealthy for both my wife and I,
3 let alone our newborn baby. The structure is falling apart from 70 years of
4 termite damage and wood rot. The wooden decks out front facing the canals
5 are not even occupiable at this point, and our insurance company has
6 dropped earthquake coverage due to the fact that the structure is in such
7 irreparable state. The current structure is dangerous and unhealthy and
8 being in an inundation zone where flooding is likely over the next few years
9 due to global warming, it will be necessary to completely replace.
10 [04:00:16] I spent the first two years owning the property, carefully
11 designing the residence, since I went to architecture school. I met with the
12 local residents and held on-site community meetings with the Venice Land
13 Use Planning committee to help guide the design, listening to the concerns
14 of all my neighbors and the local community board that would ultimately
15 approve the project. At that time, Robin Rudisill was Venice LUPC Chair.
16 In fact, I met her at her residence, located on the boardwalk, to discuss the
17 design, finessing it to work with the community context, using her expertise
18 and guidance to help get the project approved. I took these initial steps to
19 meet with the local community groups before even heading to LA Planning,
20 with the belief that it was the right step to take, even though it would be a
21 longer process. Robin Rudisill, the LUPC and the VNC approved the
22 project back in 2016, and later that year, LA Planning gave their final
23 approval. At the last second, an appeal was filed by a very small group of
24 local community activists that decided to fight the project, believing I was
25 an out-of-town developer looking to build a spec home, even though I've
26 lived in Venice the last 12 years. The City Planning Commission denied
27 that appeal. It has now taken another two years to get to this hearing in the
28 midst of an emerging political backdrop to keep housing stock. However,

1 the zoning and certified LUP have always been designated single-family
2 since I purchased the lot. I bought the lot knowing these to be the rules and
3 guiding factors when designing the home. To now almost six years later,
4 deny me the right to build what has always been designated single family,
5 and force my wife and I and our newborn baby to live in this building that is
6 literally falling apart on us would be wrong. I've worked with coastal staff
7 to make changes to the public, that add an additional ADU, and I'm more
8 than happy to follow through with that. Um, and I, I hope that the
9 commission extends my right to build me and my wife and my newborn son
10 a home with an ADU. Thank you.

11 Chair Padilla: [04:04:30] Thank you, Mr. Gaines. Alright, staff, do
12 we have additional speakers on this item?

13 Meeting Organizer: We do. We have about nine speakers. If you're
14 wishing to speak on this item, please raise your hand. You can do that either
15 by dialing *9 (if you're using a phone), or clicking the Raise Hand button on
16 Zoom. We'll start with Amy Goldstein, followed by Sue Kaplan, followed
17 by Bill Przulucki. Ms. Goldstein, I'm bringing you in now.

18 Amy Goldstein: [04:05:05] Hi there. Thanks very much for hearing
19 me. My name is Amy Goldstein, I'm speaking against the proposal. I live
20 right across the canal from this site. I face it on the Grand Canal. Not only
21 would this structure not retain the character and mass of the homes on the
22 canal, it would overwhelm the protection of density. It would be more mass
23 than any of the single-family houses on the canals at present. I'm only...I
24 think they have a right to build a house, it's just too big. In 2004, I proposed
25 building a similar but smaller house on a double lot I had recently
26 purchased. Mine was 3,000 square feet, and I proposed to keep and restore a
27 500 square foot shack that was already on the property near the street. So
28 the house would be built along the canal in the way this house is proposed

1 to be built. I met with staff and brought a wall of images of all these
2 apartment buildings that were built along the canals as I was proposing to
3 build, like Mr. Pevec is proposing to do in the proposal. Though I proposed
4 a much smaller house, staff said their recommendation was that I not be
5 allowed to build this way - that I had to either build a new house, not along
6 the canal, or preserve this original small building. And Pevec is proposing
7 building a bigger house along the canal, and a 550-foot, square foot
8 accessory dwelling building. I did not have the resource to try to dispute
9 staff and go before the Coastal Commission, so I had to start over and make
10 a completely new architectural plan to build a house and tear down the
11 small shack I loved. I don't see how this is still taking up the time of the
12 Commission. If it is so against the character of the canals, which is what
13 they said about my house, and because someone has the resources to push
14 this through the Commission, which I did not, seems to undermine the
15 understanding - my understanding - of our democracy. Thank you for
16 allowing me to share my experience.

17 Chair Padilla: [04:06:49] Thank you very much.

18 Meeting Organizer: Next is Sue Kaplan, followed by Bill Przylucki,
19 followed by Robin Rudisill. Ms. Kaplan, I'm bringing you in now.

20 Sue Kaplan: Are we ready?

21 Meeting Organizer: Yes, we hear you.

22 Sue Kaplan: [04:07:10] Okay. Good afternoon, Commissioners,
23 and thank you so much for continuing your important work during these
24 times. This is Sue Kaplan, before you as President of Citizens Preserving
25 Venice, a community-based group dedicated to preserving and protecting
26 the character and scale of Venice as a special coastal community, including
27 the history and its social, cultural and economic diversity. I urge you to
28 deny this project as proposed. It is really quite simple to do if we just follow

1 the law. Next please. The staff recognized this block as “unique and
2 distinct,” yet it fails to protect this village-like area of the historic Canal
3 District. Next. The Commission designated Venice as a special coastal
4 community and a Certified LUP recognizes its uniqueness, and that its
5 social, economic and architectural diversity must be protected. Next. Our
6 LUP requires that new development respect the scale, massing and
7 character of the existing neighborhood. This project is more than one and a
8 half times the adjacent properties in this unique and distinct pocket of the
9 historic Canal District. Next. This project, as currently proposed, is in
10 violation of the LUP. For one instance, cantilevered facades do not relieve
11 the massing and does not offer a pedestrian-oriented view. A first story
12 setback...step back *can* do that. But it doesn't matter much just how well
13 articulated the facade is. It is the scale and character that must be
14 considered. The sheer massing is just another overriding problem. Next. Lot
15 consolidation is not permissible in order to prevent massive structures such
16 as the proposed one - ones that are incompatible with the scale of the
17 surrounding area. The project must retain the character and scale of the
18 surrounding neighborhood. Next. Although LUP Policy 1.D.1 does state
19 that the only permitted residential development adjacent to the canals, the
20 single-family dwellings, Policy Group 1A, however, allows an exception to
21 allow two residential units for lots that exceed 4,600 square feet. Next.
22 This... a reading of the current ADU Ordinance confirmed by City Building
23 and Safety would allow one detached ADU and one junior on the property.
24 The LUP doesn't specify what the size of the two units can be. They can be
25 family-sized homes, they just must meet the laws covering mass, scale and
26 character. Next. We, we believe that the LUP would be best served by
27 maintaining and renovating the current multi-unit family homes. This would
28 maintain the character of this distinct and unique pocket of the historical

1 Canal District. It is really quite simple if we just follow the law. Please deny
2 the project. Thank you.

3 Chair Padilla: [04:10:07] Thank you, Ms. Kaplan.

4 Meeting Organizer: Next is Bill Przylucki, followed by Robin Rudisill,
5 followed by David Ewing. I'm seeing a Ground Game LA sign-in that I
6 believe is Mr. Przylucki. Please confirm and state your name for the record
7 as I let you in.

8 Bill Przylucki: [04:10:25] Hi, my name is Bill Przylucki. I'm the
9 Executive Director of People Organized for Westside Renewal, and also
10 Ground Game LA, our 501(c)(4) - that's the account login that you're
11 seeing. Um, so our opposition to the project is grounded in our commitment
12 to fight for social, racial, economic and environmental justice in Venice.
13 That is what this fight is about for us. I heard the applicant try to sort of
14 insinuate some of the ways in which other co-app, or, co-appellants have
15 changed their mind. And I just maintain that, you know, Robin or anyone
16 else has a right to change their mind. I, I think it's totally fine. I think that
17 what's really important to realize here is things that we have raised before
18 that this, no matter how they were specifically being used, under-utilized
19 multi-unit housing is an issue. We're taking action with the city council to,
20 to try to address that issue, but this is a four-unit project. That's what it was,
21 that's what existed, and we are always deeply concerned with the demolition
22 of affordable, rent stabilized housing. Rent stabilization is, by its very
23 definition, a form of affordable housing. It's actually the most common way
24 to provide affordable housing in our city. And I think that you need to take
25 into account that the original appellants of this case were former tenants,
26 neighbors, us, abundant housing, the LA Tenants Union - these are groups
27 that do not always agree on everything, but we can all agree that this project
28 does not represent the vision of Venice that we all share for going forward.

1 So whether, while we may disagree on some specific strategies, we know
2 what our vision isn't. This project is the first domino to tip, you've heard
3 this, but there's a whole stretch of multifamily housing here, and we need to
4 make sure that those...that the affordable housing stock stays intact in
5 Venice to the degree that we can, as we work to create more. I mean,
6 midnight, this morning we got the new numbers [alright?]. 61,000 or 66,000
7 plus folks on the street in our county. These are numbers that should be
8 burned in our mind, and we need to look at what's going on all around us, in
9 our city, and in our country, and remember that people are not messing
10 around anymore. It's time for us to take this seriously. And last thing I'll
11 say, I'll reiterate, I think that Robin has a right to change her mind. I think
12 that's a fundamental right that we should not hold against her for trying to
13 change her mind. Thank you.

14 Chair Padilla: [04:13:28] Thank you, Bill.

15 Meeting Organizer: Next is Robin Rudisill, followed by David Ewing,
16 followed by Steven Dennis. Ms. Rudisill, I'm bringing you in now.

17 Robin Rudisill: [04:13:40] I have a PowerPoint. Good afternoon, I'm
18 Robin Rudisill, Citizens Preserving Venice. This first slide is the existing 4-
19 unit structure. You can see that this is two separate buildings, 10 feet apart,
20 joined only at the roof, so the frontage does not span the bulk of the double
21 lot frontage as the proposed project would. This is the Canal front elevation
22 of the proposed new structure, which is 1.7, almost 2 times larger than the
23 existing structure. This map shows the row of nine 4-5 unit multi-family
24 buildings along the Grand Canal east bank, all rent stabilized. The proposed
25 structure would be right in the middle of this stretch of nine multi-family
26 structures. One of our concerns is that the applicant's lawyer is telling you
27 that the law does not allow them to maintain the density here. That's not
28 true, as our attorney explains in her letter to you. In fact it's plain to see that

1 the law not only allows this but requires density to be maintained. I'd like to
2 review that letter here with you. Development trends continue to impact
3 Venice's culturally, racially and economically diverse population, forcing
4 long-time families out. The LUP allows for two residential units on this lot.
5 No City zoning variance is required if you approve a project with two
6 residential units and ADUs. The LUP requires maintaining
7 the existing density, character and scale. The plain language of the
8 LUP Policy I.A.2. must be followed and the plain
9 language allows for two residential units, and this must not be interpreted as
10 just one unit and one ADU. If a statute's language is UN-ambiguous then
11 no further analysis should be done. Regarding the important concerns of sea
12 level rising, there was no consideration of any specific formal guidelines
13 OR countervailing principles, such as Environmental Justice concerns
14 relating to the shortage of housing and decimation of the diverse
15 communities of Venice, OR the reduction of density in favor of luxury
16 housing. There is no basement here and we don't believe the sea level rise
17 concerns are the overriding consideration in this case. Approval of this
18 project would be an endorsement of removing housing for the masses in the
19 Coastal Zone. The Project as currently proposed is in violation of the LUP
20 and Coastal Act. We believe that the LUP would be best served by a
21 renovation of the current multi-family structure. But also, a reading of the
22 ADU Ordinance, confirmed by the City Building & Safety Department,
23 would allow one detached ADU unit and one junior ADU unit on the
24 property, in ADDITION to the two residential units permitted under the
25 LUP. It would also avoid the LOSS of housing at a time of CRITICAL
26 need for MORE housing. This would maintain the village character of the
27 Venice Canals, maintain the character of the surrounding multi-family
28 housing, and maintain the density of the area as required by the LUP. We so

1 appreciate that you work so hard to avoid reducing density. PLEASE
2 PRESERVE OUR VENICE CANALS MULTI-FAMILY HOUSING. You
3 have every reason and the tools to do so, and no reason not to do so. Thank
4 you.

5 Chair Padilla: [04:17:01] Thank you, Ms. Rudisill. Did we go down
6 or are we still waiting for the next speaker?

7 Jack Ainsworth: We have a problem here, Mr. Chairman, hang on a
8 second.

9 Meeting Organizer: Sorry, I'm back. My internet dropped a second.

10 Jack Ainsworth: Thank you.

11 Chair Padilla: Got you. Thanks. Next speaker.

12 Meeting Organizer: Next speaker is David Ewing, followed by Steven
13 Dennis, followed by Noel Gould. One second, just working on finding
14 everybody again. Alright, Mr. Ewing, I'm letting you in now.

15 David Ewing: [04:18:08] Okay, thank you very much. I have a
16 PowerPoint, could that be put up please. Next slide please. Okay, thank you.
17 Hello, commissioners. I'm David Ewing, in Venice. Once again, once again
18 your staff has been put in the unfair position of coaching the applicant to the
19 finish line and then turning around to write an objective staff report about
20 the project they've guided, the suggestions they've given and taken, and the
21 compromises they've settled on. That's a textbook example of a conflicted
22 situation. Staff don't deserve to be placed in that situation, and neither
23 California's Coast nor we, the public, deserve its consequences, which is
24 exactly why Coastal Act Section 303...I'm sorry, 30335.1 outlaws this Staff
25 advisory role, despite the weight it takes off commissioners'
26 shoulders. Slide 2, please. But I'm here to talk about cumulative impact,
27 which starts with a single project creating a precedent. Next slide, please. In
28 this case, Staff used the Housing Crisis Act to dismiss the cumulative

1 impact problem, even though that law sunsets in four and a half years. But
2 Staff says by then we'll have a new LCP, so why worry? Here's why. Next
3 slide. The Certified LCP of 2001 never happened, and we've had to rely on
4 the LUP ever since. On project after project we remind you not to, not to
5 prejudice the LCP. But much of the building in the canals is testimony to
6 how lightly this commission has taken that duty. It's the City's fault, we're
7 told repeatedly, as if the political vicissitudes of the City weren't precisely
8 what the Coastal Commission was charged with protecting us from. Next
9 slide, please. You can't base a project approval on a speculative assumption
10 that the LCP will come to fruition. It's not a certainty. We learned that in
11 2001, and we're about to see a major round of City budget cuts because of
12 the pandemic. But instead of worrying about prejudicing the LCP, the staff
13 report and addendum are eager to use it, before it's even finished, to justify
14 a precedent that's presidential...excuse me, that's prejudicial to that
15 LCP. Next slide, please. If you don't allow, I mean please don't allow
16 casuistic excuses to take the place of actually protecting the coast. The
17 project's out of scale and violates the LUP, full stop. And the dream home
18 the applicant was so passionate about is now a set of plans up for sale with
19 the property. The buyer, as the Zillow ad notes, will have the option to
20 renovate it as a highly desirable, canal-side fourplex. Next slide. Which
21 would be in harmony with its neighbors, the LUP, and the California
22 Coastal Act. Please deny this application. Thank you very much.

23 Chair Padilla: [04:21:29] Thank you, Mr. Ewing.

24 Meeting Organizer: Next is Steven Dennis, followed by Noel Gould,
25 followed by Alley Mills-Bean. Mr. Dennis, I'm bringing you in now.

26 Steven Dennis: Hello there, can you hear me?

27 Meeting Organizer: Yes.

28 Steven Dennis: [04:21:43] Okay, thanks for hearing me. As

1 everybody knows, character is everything, and even the Commissioners
2 have accepted there is a unique character about the Grand Canal and all the
3 canal system. Character, like people, has to be assessed when you are
4 meeting it one-on-one and living amongst it, and knowing it. And as
5 someone who has lived on the canal for 12 years now, like many other
6 speakers, we're not activists, as the applicant said. We're neighbors and
7 we're humans who care about the community. What I fear is that by
8 changing the design, we are shoehorning in a application, which if passed, if
9 you understand the area and you visit the area, will just be a carbuncle in a
10 very genteel, idyllic, and more importantly, a tourist area, where the
11 heritage draws tourists from all over the world. As, as a resident for so long,
12 I can tell you that every summer, every Spring, bus loads of tourists park on
13 Washington Boulevard, go into Grand Canal, and it is the character of the
14 fourplexes that exist that gets a lot of the pictures and the cameras and the
15 attention, with the well-kept gardens. A lot of these units are out of date and
16 need a lot of work, as the applicant said. That is not an excuse to tear them
17 down and start again with something would be so ill fitting and so out of
18 character that we would regret it for years to come. We are all by our very
19 nature, as tenants and commissioners, temporary people. What we have to
20 be careful of is being temporary people that are making permanent
21 decisions that affect the actual community. And I think we have to zoom
22 out. This, this, this...plan may fit land zoning and land use, but if we zoom
23 out, it does not fit the rest of the character. We have to look at the stretch on
24 this side of the canal, not what's opposite it. We would have a three-story
25 building absolutely different to the two-story characteristic buildings that
26 currently exist. And I implore the Commission to take the community and
27 this stretch of the canal into consideration while they weigh a very complex
28 situation. And I have...just want to finally acknowledge, I know the

1 applicant has been through a lot stress in putting this forward. I understand
2 his needs and his rights. But I believe the bigger picture and the bigger
3 needs of the community, outweigh all that.

4 Chair Padilla: [04:24:06] Thank you, Mr. Dennis.

5 Meeting Organizer: Next is Noel Gould, followed by Alley Mills-Bean,
6 followed by Jason Douglas. Mr. Gould, I'm bringing you in now.

7 Noel Gould: [04:24:22] Thank you, Commissioners, and Chair
8 Padilla. Really appreciate all of your work. And when everyone from the
9 Governor down to grassroots groups is working to increase housing units,
10 it's unfathomable that this Commission would vote to allow a decrease in
11 rental units in this cherished, multi-family area of the canals. We must not
12 allow the continued loss of housing in the Venice Coastal Zone. This
13 pattern and practice of demolishing multi-family housing and replacing it
14 with oversized single-family McMansions is not only systematically
15 reducing our population, but is specifically targeting lower income residents
16 and replacing them with fewer and much wealthier residents. This is
17 cumulatively and quickly affecting the character of the Venice Coastal
18 Zone, which is a special coastal resource in ways that directly contradict the
19 intentions of the new environmental justice provisions of the California
20 Coastal Act, as well as pre-existing sections of Chapter Three that require
21 the Commission to encourage housing opportunities for persons of low and
22 moderate income. Approval of this project as-is would be a huge windfall
23 for one developer. Other projects in this very area, including on this site,
24 have been discouraged or denied on the basis of significant
25 compatibi...incompatibility with the neighborhood, and the canals area has
26 been protected from such extra-large projects along this stretch of nine
27 multi-family homes for decades, thus there are no other super-sized single-
28 family residences on any of the double lots in the Venice Canals. Why

1 should such an exception be made for any developer? This project does not
2 protect but rather harms the character of this neighborhood. This is actually
3 one of the most highly visited sections of the canals, as it's just north of
4 Washington, where the tour buses can park and let out busloads of visitors.

5 This project doesn't comply with the Coastal Act or the LUP. The LUP
6 requires the maintenance of density and number of units. So please don't
7 approve it as proposed. This is also a double-sized lot and the lots that were
8 mentioned earlier by Mr. Gaines were single-sized lots. It doubles the size
9 of the existing structure, significantly reduces the density, and harms this
10 important visual resource and heavily visited popular Venice canals tourist
11 site. Every time a project like this gets through, we lose a few more long -
12 time residents, we lose our cultural memory, and we lose our racial and
13 economic diversity. We have a wonderful environmental justice policy, so
14 let us make sure that the outcomes reflect its intent. Very importantly, we
15 request, you guys, the Commission, please require that the existing density
16 be maintained by requiring two residential units, each with an ADU, or
17 maintaining the existing fourplex with a renovation of the existing
18 fourplexes. Those are two very, very reasonable solutions, and they could
19 be sold, they could be lived in, and they could be profitable for the
20 developer, in either of these cases, and it would maintain the density, and
21 would maintain the character, which is so vital, and required in the Coastal
22 Act.

23 Chair Padilla: [04:27:28] Thank you, Mr. Gould.

24 Meeting Organizer: Next is Alley Bean, followed by Jason Douglas, and
25 that will be our last speaker. Ms. Bean, I'm bringing you in now.

26 Alley Bean: [04:27:40] Good morning, Commissioners. My name
27 is Alley Bean. My husband, Orson Bean, lived in the Venice Canals for 48
28 years, and we have lived here together for 30. We have been very saddened

1 over the years, with the diminishment of affordable rentals in the Canals
2 that has SO changed the economically and racially diverse character of our
3 community. These nine 1940's RSO fourplexes on the Grand Canal are the
4 last remaining row of multifamily dwellings left in the historic Canal
5 district, and it just seems so wrong that IF this project were to be approved,
6 then they might actually ALL be allowed to be torn down, and that 32
7 rental homes, many of them filled with decades-old community members,
8 currently able to afford to live near our precious Coast, could be replaced
9 with nine huge, almost double lot, single-family mansions, available only
10 to the very rich, especially at this time of critical need for more housing in
11 Venice. I am a new Board member of Citizens Preserving Venice and at the
12 December 19th Coastal Commission hearing I was SO encouraged by the
13 way that you all listened to us from the community, and then FOUND a
14 Substantial Issue that this project was "INCONSISTENT WITH THE
15 UNIQUE MULTIFAMILY CHARACTER OF THE PROJECT AREA
16 AND COULD SET AN ADVERSE PRECEDENT FOR FUTURE
17 DEVELOPMENT IN THE NEIGHBORHOOD!" I so agreed with you! If
18 this project were to be approved, there is no doubt in my mind, that it would
19 set an adverse precedent and that all of the eight other fourplex properties
20 would eventually follow suit to a devastating effect to our neighborhood.
21 I read the Staff Addendum yesterday, but I honestly didn't see any clear
22 answer to your Substantial Issue concern. Adding a 550-square foot ADU
23 ATTACHED to a mansion would obviously NEVER be rented out, and so
24 that's not a real solution. The Appellants, all very versed in Land Use laws,
25 have found in the Coastal LUP a different finding than the City's about
26 allowing 2 dwellings. And if there IS a different option available UNDER
27 THE LAW as these appellants have proven, then please, Commissioners,
28 DECIDE on the side of what is best for the community and achieves the

1 greatest public benefit, rather than just enriching one, now, spec developer,
2 because he's going to sell it. Many, many tourists walk the Grand Canal
3 every day. I wish that you all could have come and walked to see how this
4 project would unquestionably destroy the character of this area. Should all
5 eight of these almost double lots be allowed to be redeveloped in the future,
6 if that precedent IS set and followed, then as you suggested in your
7 substantial issue, these same tourists would be looking at a ROW of
8 massive, concrete, oversized bunkers, saying to themselves, "whatever
9 happened to the Venice Historic Canals and who on earth allowed this to
10 happen?" Thank you all so much, Commissioners, for what you do to
11 protect all of us. Thank you.

12 Chair Padilla: [04:30:44] Thank you, Ms. Bean.

13 Meeting Organizer: And the last public speaker is Jason Douglas. Mr.
14 Douglas, I'm bringing you in now.

15 Jason Douglas: Hi, can you hear me?

16 Meeting Organizer: Yes.

17 Jason Douglas: [04:30:59] Great. Jason Douglas, Senior Planning
18 Deputy with Council District 11, office of Councilmember Mike Bonin.
19 The Councilmember wishes to express his support for the community and
20 his opposition to the project at 2812-2818 Grand Canal for the demolition
21 of a 2,072 square foot, two-story, four-unit residential structure in the
22 construction of a larger 4,632 square foot, three-story, single-family
23 dwelling unit with an ADU. Our office has been working in coordination
24 with constituents up and down the coast to tackle the unsettling loss of
25 density and affordable character in our communities. Until recently, the
26 accepted status quo has been to effectively down zone and/or allow projects
27 to strip neighborhoods of existing density, affordable character and sense of
28 community. Venice in particular has been burdened by these unfortunate

1 land use decisions, contributing to de-densification and displacement. This
2 cumulative impact has been measurable and observable over the course of
3 decades, and it must be addressed. For context, this is a row of large, 5,000
4 square foot plus lots, improved with multi-family buildings along Grand
5 Canal, and they've existed since 1948, and they're just simply a part of the
6 fabric of the community. And today, you've heard from very diverse group
7 of stakeholders, opposed to this project, and the community has
8 communicated a shared vision for fair housing in the face of increasing
9 housing burdens and protecting the unique renowned character of the
10 Venice Canals. In the case of this project, we are again witnessing a loss of
11 density with the loss of three full residential units. Even with an ADU that
12 has been characterized as a bonus to the community, this would result in a
13 loss. While ADUs are an excellent investment for homeowners, the current
14 trend has been to allow ADUs to replace existing density. This may provide
15 a chance for another family to move into Venice, which is in itself a plus.
16 However, we have sat in public hearings time and time again, where
17 applicants state ADUs will likely never be utilized as a dwelling unit.
18 Although this site is zoned RW1, policy I.A.2 of the Venice Land Use Plan
19 states that 'a second residential unit or an accessory living quarter may be
20 permitted on lots designated for single-family residents' land uses in the
21 Venice Canals sub-area.' Moreover, the city's general plan, and the Venice
22 Community Plan identifies this lot as low-medium 2, a multi-family
23 designation. The Venice LUP also identifies this lot as low-medium 1,
24 although contradictory, it's a multi-family designation. Given that the LUP
25 and the Coastal Act both seek to preserve existing density in the Coastal
26 Zone, protect neighborhood character, including the scale and character of
27 homes, and stabilize multi-family communities, the project in its current
28 form fails to meet these goals and does not preserve density on a lot that

1 would otherwise be able to accommodate it, and this prompts a substantial
2 issue. Our office opposes the project and urges Coastal Commission to vote
3 no on this proposal, and require the maintenance of the existing density on
4 the project.

5 Chair Padilla: [04:34:04] Thank you very much, Mr. Douglas.
6 Alright, Mr. Gaines, would you like to be welcomed back into the meeting
7 for any rebuttal comments with your remaining time?

8 Fred Gaines: Thank you very much, Mr. Chairman. Can you hear
9 me?

10 Chair Padilla: We can hear you.

11 Fred Gaines: [04:34:21] Very good, thank you. Let me go through
12 some of the comments that were made. There were comments made about
13 the mass, height, set back. You have a complicated set of rules related to
14 this property that are contained in the zoning in the Venice Specific Plan
15 and in the Certified Land Use Plan that talk about height, massing, setback.
16 All of those have been met without exception, variance, or modification. In
17 addition, as the staff report indicated, we've provided additional setbacks in
18 certain, certain areas of the property, additional permeable area on the, on
19 the site, and these issues, you can't make everybody happy in Venice, but
20 these issues were fully debated at the Venice Neighborhood Council, the
21 elected Venice Neighborhood Council, which approved the project. The
22 West LA Area Planning Commission and the city of Los Angeles. There's a
23 local Planning Commission that handles these cases, that these were
24 debated there, and it was approved, and your staff has reviewed them for
25 consistency with all the various plans and found them to be consistent.
26 There was an argument made about lot consolidation. There is no lot
27 consolidation involved in this, in this case. Improving or expanding a legal
28 non-conforming use is not a legal use or something that we can get a permit

1 from the city of Los Angeles. The staff has also put forward the reasons
2 why in the flood and sea level rise area that, that the additional multi-famil,
3 the multi-family designation would be inappropriate. There has been a
4 assertion made that we could do two units with two ADUs. You're allowed
5 to do a unit and an accessory unit, so you can't do a unit, an accessory unit
6 and accessory units off of those. That, we've confirmed that, and you can
7 ask your staff - they've talked to the City of LA and they have confirmed
8 that. We do understand how the world has changed relatively quickly with
9 regard to maximizing units in these areas. Even in opposition to long-
10 standing policies and specific direction on, on this specific lot. But the new
11 laws do not apply. The Housing Crisis Act specifically exempts projects
12 that were applied for up to a certain, up to a certain date. Having said that,
13 while we were listening to the testimony, Mr. Pevec called me and he asked
14 me to offer to have a, to use the existing 500 square foot, 550 square foot
15 ADU as a junior ADU - something that didn't even exist when we discussed
16 this with staff - and to then add an AD, an additional ADU, which would be
17 allowed under the new laws, which specifically don't apply to us, but we're
18 offering to do that, so that you would end up with the junior ADU in the
19 building, an ADU in the area that's backyard swimming pool - we'll add
20 one there. We ask that if, if you do do that, you let us have an executive
21 director review of that, so we don't have to come back to the commission.
22 And that would get us to three units on the, on, on the property, which
23 would be allowed under the current new ADU law, which allows the junior
24 ADU and the ADU. On behalf of Mr. Pevec, he's on the line if you wanna
25 talk to him, but we are offering that we would go to three, which is the
26 maximum number of units allowed under the existing laws that apply to this
27 property. And we, so Mr. Chairman, I appreciate...give me a few more
28 seconds to articulate that offer of an additional condition of approval, and

1 with that we are available for any questions, and we appreciate your
2 consideration and ask for your approval. Thank you.

3 Chair Padilla: [04:38:36] Thank you very much, Mr. Gaines.

4 Alright, we will go back to staff in any account and obviously ask that they
5 address the most recent testimony that was just provided by Mr. Gaines.

6 Steve Hudson: [04:38:49] Alright, thank you. Yes, I'll address Mr.

7 Gaines' proposal. And also, I'm gonna limit my remarks and just addressing
8 what I think is the primary issue here, and that was raised by Ms. Rudisill
9 and Mr. Douglas, the representative from Council Member Bonin's office.

10 And before I begin, I would first like to preface these remarks by, by
11 knowing that I really do appreciate all the speakers that we had today, and I
12 have spoken with many of them in depth about this issue, and I understand
13 these concerns because they are our concerns. And what I have, what I
14 wanna commit to is that our agency, and I have asked our staff to do this at
15 every chance they can get, is we are committed to the preservation of
16 residential density in areas appropriate for it in dense urban areas, wherever
17 appropriate. And, and as you can see on the other items on this agenda, this
18 issue is certainly relevant as it continues to, to come up in multiple
19 applications. The question that we have struggled with on these
20 applications, though, similar to the last item that we heard, is when is it
21 appropriate to maintain density or necessary, and are there times or areas
22 where, where it would not be? And it is difficult to deal with these on a
23 case-by-case basis, as we are all forced to do when it comes to appeals. The
24 preferred avenue is of course to address this in the context of the local
25 coastal program, and that's exactly a conversation that we are having with
26 the city of Los Angeles and have been having in the context of their
27 pending update to the Land Use Plan. And the question we've asked the city
28 to discuss is, please provide that analysis of which areas of Venice,

1 specifically, would it be appropriate to maintain density and to prohibit any
2 sort of down zoning, and which areas are there, you know, such hazardous
3 conditions that it may not be appropriate. Now, since we began this effort,
4 of course, there have been changes to state law and that could affect those
5 discussions, and so we do intend to bring this back to you as part of that
6 update to the Venice Land Use Plan and have a more comprehensive
7 solution to dealing with hazards and the preservation of residential density.
8 Now, in this particular case, though, I would just like to point out or
9 respond to this concern of Ms. Rudisill that the Land Use Plan allows for
10 two single-family residences, and that would somehow prohibit a reduction
11 in density. There are many cases I, Staff would think that would be great,
12 but we, the language does not actually require that. As indicated in our staff
13 report, on page 12, we have a policy specifically written. It only requires
14 that the character and scale of existing single-family neighborhoods be
15 maintained and allow for in-fill development that is compatible with and
16 maintains the density, character, and scale. Now this is important, though,
17 and this, in preparation for this hearing, our Staff did go back and we
18 researched the origins of this, this term, this second residential unit or
19 second unit. And this policy, I.A.2, was modified or amended by the
20 Commission at the time that we certified the Land Use Plan, and there's
21 specific text in the staff report that indicates that previously, residential
22 development along these canals was limited to a single-family residence
23 with no accessory structure, so no second unit. And that was because of the
24 hazard from flooding. And specifically, the findings point out that due to
25 the large size of these particular lots along this section of the canal, they
26 noted that a second residential, as stated in I.A.2, 'a second residential unit
27 or an accessory living quarter may be permitted on lots for single-family
28 residence land uses, provided that the lot was 4,600 square feet or larger.'

1 Now as, as the representative from Mr. Councilmember Bonin's office had,
2 had indicated, it comes down to the interpretation of, what does that mean
3 for a second residential unit? And in the findings for that staff report at the
4 time we certified the LUP, there were findings as specified that we were
5 referring to the second unit, as indicated by government code section
6 65852.2. And although I'm sure that's not on the tip of anyone's tongue, that
7 section of code is the state code that deals with acces, accessory units, and
8 it's specifically the same code that was recently amended to include the
9 ADU provisions and was specifically amended in 2016 to change the term
10 'second units' to 'ADUs.' So we do believe that the record is clear that the
11 intent of this terminology and the LUP and what was meant was it was that
12 for a single-family residence and this secondary unit, which has later been
13 revised to mean an ADU. And that was what was driving our
14 recommendation of, to comply with the single-family residential
15 designation for the site. We were talking about a single-family residence
16 and an ADU. Now, we could, the commission could allow additional
17 ADUs, as proposed by Mr. Gaines and the applicant. The city's un-certified
18 zoning code would allow for one additional ADU and one junior ADU as
19 ministerial approval. So that's really what they had by right, pursuant to that
20 ministerial approval. I would note that there could be additional discretion.
21 We have had numerous discussions with the city about what that means and
22 what would be allowed, and they have indicated that they believe one ADU
23 and one junior ADU would, could be, would be allowed. But it does appear
24 possible that there could be additional junior ADUs. That would just require
25 discretionary action by the city, and so that's not a guaranteed approval, and
26 there could be ramifications of the city that the city has now, has not
27 thought through. So if the Commission wish to incorporate Mr. Gaines'
28 proposal, we would simply modify a condition to allow for revised plans to

1 allow for the ADU and the junior ADU. Although not strictly compliant
2 with the LUP in terms of the number of units, we do, I think there's a clear
3 interpretation that that could be considered consistent with the intent of the
4 LUP provision, given the changes and interpretation of the ADUs. So with
5 that, I'm just, I'm gonna close my remarks and just note that I'm available
6 for questions. We have our staff team here as well to answer questions, so
7 please use us at your discretion and disposal.

8 Chair Padilla: [04:46:26] Thank you very much, Mr. Hudson. Well
9 appreciated. Alright, are there - we'll bring it back to the commission - are
10 there questions, follow-up, from members of the Commission?
11 Commissioner Wilson?

12 Chief Counsel Warren: You're muted. Commissioner Wilson, you're muted.

13 Commissioner Wilson: [04:46:53] Sorry about that. My, I have a question
14 and it's related to the architecture portion of this and the massing. And it
15 seems like there's a significant mismatch just from the view shed side of
16 the, of the canal, and I'm wondering, could we also require, you know, some
17 sort of conformance or matching in terms of the, in terms of the, the face of
18 that, of the development facing the canal, since it is, seems to be very
19 important. This is separate from the issues of the, of the density and all that.
20 So I was just kind of wondering, 'cause it, it doesn't seem to really...it seems
21 like some of those other structures have filled in between a little bit, but
22 they still have that, that sort of conforming look that, that, and character of,
23 of that, and I was just kind of wondering how we might address that if it's
24 possible. That's one question. I, and, and also, I'm just wondering also the
25 second question is, junior ADUs and ADUs, do they have separate
26 addresses? Would they be addre...you know, would people living in them
27 have, make sure that they have separate entrances and addresses? And then,
28 is it, and the third question I have is, someone had mentioned an

1 advertisement for a property for sale - was that this property in particular
2 that they had seen an advertisement for that they put up? Or was that some
3 adjacent property? Those are my three questions.

4 Steve Hudson: [04:48:22] Okay, thank you. So, I'm gonna start with
5 the, the second and third question first and then move into the more
6 complex one with the design. So, in terms of the not, the separated
7 entrances, yes, the, the junior, both the junior ADU and the detached ADU
8 would have, would have their own entrances and be re, would be required to
9 comply with state law. In terms of, would they have separate addresses, I, I
10 don't know off hand. I would think that the local, since the local government
11 would be in charge of that, that they would accommodate different
12 addresses. But that would be outside of our purview. And in regard to the
13 question of the sale, I, our staff didn't receive that information from the
14 applicant. But we did receive, it was an advertisement for sale of the
15 property from some of the project opponents or concerned parties. So that's
16 our understanding, but I think we would ask the applicant's representative
17 to respond to that if you have further questions. And in terms of the, the
18 design, the, we, you have the ability to require additional conditions that
19 could be imposed that could modify the design. The compl...the concern
20 would be that any condition that we require today be specific enough to
21 provide clear direction on what those changes would be in order to avoid a
22 potential [inaudible] issue or an unclear condition that our approval would
23 be based on. And that could be a little complicated, unless we can really
24 nail that down. They had, the applicants have provided a design for the
25 house or proposed a design that does have, it does have set...it meets the
26 setback requirements under the Land Use Plan, which uses an averaging -
27 an average design - where you can have some portions of the structure that
28 would extend closer to the canal than the clear set back line, and other

1 portions could be set back further, provided it meets an average. The
2 majority of this structure is set back far further than the set back would
3 normally require. They, now the applicants believe they have provided that,
4 that design that matches the surrounding area, but I, I think we could ask
5 them today if there are modifications that could satisfy these concerns, and
6 if they're willing to incorporate that into revised plans, then we could
7 certainly make that happen.

8 Chair Padilla: [04:51:12] Thank you. Mr. Wilson? Does that
9 conclude your questions?

10 Commissioner Wilson: [04:51:15] That concludes my, that concludes my
11 questions, but I will have deliberation.

12 Chair Padilla: Alright, thank you. Commissioner Rice?

13 Commissioner Rice: [04:51:24] Yes. Thank you, Chair Padilla. Steve,
14 question. So, I, I think I heard that the existing multi-unit, their apartment,
15 was built in the 40s or 50s? 1945 did I hear?

16 Steve Hudson: Uh...the 1940s, yes.

17 Commissioner Rice: And, and that's, that's when that, when that whole
18 area was sort of developed, rough...I mean I'm assuming they're all roughly
19 the same age around there?

20 Steve Hudson: Yeah.

21 Commissioner Rice: So, do we know at what point when the city adopted
22 the current zoning?

23 Steve Hudson: I don't have the year handy. It went...I believe it may
24 have been in the 1950s, but I don't have had that year handy. It was prior to
25 Prop 20 and the Coastal Act, though.

26
27 Commissioner Rice: [04:52:19] Yeah, okay. And then, I haven't, I don't
28 recall, [inaudible] it's late Friday. So it's the, the Venice Canal sub-area is

1 designated as single-family dwelling - low-medium density. What does
2 low-medium, the low-medium density refer to? The floor area ratio? Or
3 what?

4 Steve Hudson: It's the number of the units. My understanding is
5 that...well first, the number of units, [could?] it just goes on to explain in
6 the Land Use Plan that, what it allows. And that's the one single-family
7 residence with the accessory unit.

8 Commissioner Rice: Yes, and normally wouldn't we just hear single-
9 family residential? I mean, isn't that more typical? Like I just, it just seemed
10 odd to me that there was this...low-medium density, to me, sounds like it
11 potentially where there was mixed. So, it was contradictory a little bit there.

12 Steve Hudson: My understanding, based on our research of this, is
13 that it was intended to reflect that their previous zoning actually restricted
14 this to just one structure. [inaudible] one...a single single-family residence
15 with no accessory uses, and at the time that we certified the LUP...of
16 course, perhaps there could have been a different way to go. The real
17 question is, there's this whole row of these larger lots with four units, and
18 we certified them at the time as single-family residence.

19 Commissioner Rice: [04:53:43] I'm not, I'm not arguing with it, Steve. I
20 just... I think it's just curious. I was wondering if the medium, the low-
21 medium didn't refer to the fact that there are these four unit structures that
22 are existing, so it was almost a nod to them. And I guess, and the only
23 reason I raise it, it is, just generally, and I'm sure this occurred up and down
24 the coast of California as well as in other areas, we did see areas that were
25 basically down-zoned in where, where there was multi-family, and we saw
26 them, the single-family residential zoning, laid on top. So anyway. And it's
27 just another example of, of some of the sort of structural, structural, sort of
28 systemic racism at some level that's built into a lot of our land use.

1 Steve Hudson: Yeah, [there?] I would just note that there was a
2 purpose, I think, in that designation of why it was called this low-medium
3 density. It was considered an expansion of what was previously allowed.
4 Before, the limitation was one single-family residence for the hazardous
5 areas near the canal. At the time the LUP was certified, we, there were
6 additional provisions that expanded the allowable density. It was very...it
7 was detailed and it is not unusual to have that in the LUP, but it laid out
8 additional geographic areas where this accessory unit would be allowed
9 with a single-family residence. And that was the de...that's what the
10 designation is referring to.

11 Commissioner Rice: Well, just so that my point isn't lost, before it was
12 single-family residential, it was obviously multi-family, or those structures
13 wouldn't have been there. Okay, I, I, the, I, I don't have any other questions.
14 I think it's, it's a, it is gonna be a loss, though, to see these units that are
15 aging not be able to be replaced by four-unit structures.

16 Chair Padilla: [04:55:42] Thank you, Commissioner Rice. And Mr.
17 Hudson, with respect to the final testimony by that applicant's rep about
18 adding an ADU, in the event that Commission entertains that, and I have no
19 idea we will, but that would just be a modification to your condition, being
20 more specific about allowing to submit a revised plan and acknowledging
21 that the type of review that would require. And then you would be able to
22 incorporate that into your recommendation?

23 Steve Hudson: Yes, we would.

24 Chair Padilla: If necessary. Okay, thanks. That's helpful to me. Are
25 there other commissioners who would like to be recognized as their
26 deliberation or direction from the commission? Mr. Wilson.

27 Commissioner Wilson: [04:56:25] Yeah, I, I do wanna speak to, yeah the, the
28 structural inequality of down-zonings that occurred in the 50s and 60s, I

1 mean these were, weren't done not on purpose, and, and in many places
2 where working families and, and, and families of color were, existed, and
3 this, and LA is notorious for it, and as well as big cities all around the
4 United States. And, you know, we, this subject of structural inequality is
5 obviously on the minds of many of us in this current context. Even we, even
6 a few items before we were looking at a walled community and building a
7 new wall around that, that's again, structural inequality often comes in the
8 form of structures, right? And, and, and we are dealing with that in this, in
9 this context. And I think that's, that's something we are gonna have to do,
10 do more of and, and, and be more cognizant of. I will say that, you know,
11 the, the issue of sea level rising in some of these denser neighborhoods like
12 this, you know, and, and in my community, or the community in Humboldt
13 County, we're at King Salmon, you know we, that, those projects basically
14 said no living quarters on the first floor. And, and we just moved on from
15 there. And it just seems like in areas where the real estate value is higher,
16 we, we're not as, maybe we're not as concerned about that? I, I don't really,
17 I, I'm not really, really too, too sure about that. I do think, and I do wanna
18 go back to, I do think that the profile of, of the structure, and that doesn't
19 match even closely the profile of all of those other structures along that
20 waterfront is a real concern to me. And, I mean, certainly, I, I'm, I'm, I, I
21 think I could probably live with the two ADUs, so long as they're, so long
22 as we have a minimum size associated with them - they're not too small,
23 that actually, you know, you can get, you know, at least a bedroom or two
24 in each one, that they're not just studios or whatever. I, you know, people
25 could actually live in them, functional. But the profile of the structure, I, I
26 really have a really hard time with. It, it, it really is a character issue in a, in
27 a community like that. And to see that consistency, all along that, that
28 waterfront there, all along that canal, and have that architecture and just the

1 feeling of that space be so important. Not just the people who live there, but
2 the people who come and visit there. Unless there's [inaudible] way to
3 address that, I, I, I think it really doesn't meet the character and nature of,
4 of, of what we're supposed to be looking to try and preserve. So those are
5 my comments for this...

6 Chair Padilla: [04:59:25] Thank you. Commissioner Wilson. Vice
7 Chair Brownsey?

8 Vice Chair Brownsey: [04:59:30] Yes, thank you, Mr. Chair. I think I'm just
9 gonna cut to the chase on my comments. One is that, I think that the
10 applicant is willing to do two ADUs. I think if, going to Commissioner
11 Wilson's comments, if there's some dis, you know, discussion of reasonable
12 size so that they're not tiny, I think that would be appropriate. I think that
13 was, I think it addresses the density issue and kind of balances it off the
14 hazard issue, which is that it goes from having one family living there,
15 recently, from a high of four families in the past. And now it could be three
16 families. So that's one. Two, I'm less concerned about the des, the actual
17 design of the home, mostly because, as I recall, Mr. Hudson, from your
18 testimony, which was that this was not out of line with other residences in
19 the area close by, and that the, this structure observes all of the appropriate
20 setbacks and height restrictions. Is that correct?

21 Steve Hudson: [05:01:10] Yes, it is. And just to, to clarify. So some
22 of the appellants had noted that there's other houses that are smaller, just
23 north of this parcel, the lots are much smaller, so there are smaller
24 residences along this street, along this one row, the other houses are approx,
25 all those fourplexes are approximately 2,900 or so square feet in size. This
26 is about a 4,000 square foot residence plus the ADUs, so it's larger. It's 30
27 feet in height. The other structures are roughly 22 feet in height on this
28 street. But this does ramp, slope down to 22 feet near the, near the channel,

1 and that's consistent with our Land Use Plan Policy. And then directly
2 across the channel, there are other large houses. So we do believe that it's
3 generally consistent with the character in the area.

4 Vice Chair Brownsey: [05:02:00] Thank you, Mr. Hudson. I, I, I just
5 believe that at a certain point, a number of these structures are gonna have
6 to be replaced if what the applicant asserts, and certainly all of us know that
7 structures near a marine environment really are subjected to all kinds of
8 conditions because of the salt air and so forth and so on. So, you know, I
9 think, I definitely would support this if it were, with the addition of the, the
10 second ADU, as the applicant put on the table, and I feel that the, the scale
11 of the project mostly meets, does meet the, the, the requirements of the city
12 and, and also is in scale. And I think in the future, there will be, the modern
13 structures are just going to be, you know, bigger than they were when
14 people were building homes in the 40s and the 50s. Thank you, Mr. Chair.

15 Chair Padilla: [05:03:17] Thank you, Vice Chair Brownsey.
16 Commissioner Diamond?

17 Commissioner Diamond: [05:03:25] Hi. I, as somebody who was born and
18 raised in LA, I have spent a lot of time driving down to Venice, particularly
19 'cause I like to walk some of the more interesting parts of West Los
20 Angeles. And this is really one of the most interesting parts of West Los
21 Angeles, precisely because they, these homes were built in the 40s. And I
22 can attest there are a lot of people who come to walk there because it is such
23 a unique, discrete part of this, of West Los Angeles. I do think it sets a
24 precedent, not that the, the home that's there now doesn't need repair and
25 remodeling. I just think this, the size of this is really out of scale from
26 everything else I'm aware of in that area. The character of the neighborhood
27 is very special. This won't be in character, but it is the scale that really
28 bothers me. And I'm very concerned about the lack of affordable housing

1 within, in West Los Angeles and Los Angeles. And the City Councilman,
2 Mike Bonin, who also opposes this, is one of the leaders in our city of
3 trying to deal with the horrible homelessness issue that we suffer. That's on
4 the front page of the LA Times today because it's growing and worse than
5 ever at this particular time. And, so I'm moved by the fact that he, and I
6 believe he lives in the, in the Venice community as well, is concerned about
7 this. I think the, the reduction in affordable housing is still an issue, because
8 even if you build, if, if the ADU, and I think it was a JADU that was
9 suggested - not a second one. They don't have to be rented. They're there if
10 ever you want to rent it. But I, as I understand it, it's not a requirement that
11 it actually be rented, just that it be there. So, I, I am having a really hard
12 time with this. And I think that environmental justice issues do come into
13 play here, and I think we have to be sensitive to what's going on right now
14 in our country, and we all said on the first day that we wanted to be very
15 cognizant of those issues, and I think that this, this particular item, of all the
16 items I've heard, at this, my very first meeting, is one that brings to mind the
17 racial justice, environmental justice, and the issues that are before us right
18 now as community, as a state and as a nation. So, I have a really hard time
19 with this.

20 Chair Padilla: [05:06:16] Thank you, Commissioner Diamond.
21 Commissioner Groom?

22 Commissioner Groom: [05:06:23] I'll, I'll be real quick, because I agree with
23 most of what's been said. I just think it's out of whack and out of scale. And
24 I was doing a sort of a streetscape look and it just doesn't seem to fit in. So,
25 I'm, I don't think that I can support it.

26 Chair Padilla: [05:06:37] Okay, thank you. Commissioner
27 Escalante?

28 Commissioner Escalante: [05:06:39] Yeah, I won't belabor too much. I totally

1 agree with what Commissioner Diamond has said. As an LA County
2 resident myself, and I worked in San Monica for a long time, Venice being
3 next door, I recognize the special nature, and that's becoming every day, it's
4 just kind of, you know, evaporating due to all of these, kind of, policy
5 changes and everything that's been mentioned. So I am having an incredibly
6 hard time with this as well.

7 Chair Padilla: [05:07:11] Okay, thank you. Commissioner Wilson?

8 Commissioner Wilson: [05:07:15] Yeah, I just, on the, on the size and
9 massing, it, it, it is out of character. And, and I, and I do think, I mean, my
10 house I'm in right now, you can't see behind this magical curtain, built in
11 1949. I've grown two kids in it. It is of the size that's not, you know, there's
12 no reason why a, a structure needs to be 4,000 square feet to raise a family.
13 The impact on the neighborhood is, should be taken into consideration in
14 this, in this case. And so, yeah. I, I, I'm, I'm with the others on that, on that
15 particular note.

16 Chair Padilla: Commission Rice?

17 Commissioner Rice: [05:08:01] Yes, as, if, if this project were to move
18 forward as being discussed with a one ADU, one accessory dwelling unit
19 and junior accessory dwelling unit, I think we should be prescriptive about
20 the size and current state law, and I may have this wrong, but current state
21 law, I believe, allows by right, ADUs, accessory dwelling units, at 800
22 square foot max as by right and not having to go through the local
23 discretionary of approvals. That's for a one-bedroom ADU, and 1,000
24 square feet, 1,000 square feet, for ADUs that are two bedrooms. And for
25 JDUs, it has a 500 square foot max, state law allows for 500 square foot
26 maximum size for a JDU without having to get the local discretionary
27 approval. I'm not using the right words. So I would suggest that if, if indeed
28 we have the ability to be prescriptive about size, that we insist on an ADU

1 that is actually, meets that two bedroom bar. So that would be 1,000 square
2 feet or larger, and I'm not sure what the top end would be, but 1,000 square
3 feet allowed by the state, by right, and the JDU, which is the junior
4 accessory dwelling, accessory dwelling unit, being at least at 500 square
5 feet, which actually creates a fairly decent size, living sized space. That's
6 my comments.

7 Chair Padilla: [05:09:46] Okay, Mr. Hudson, can you respond to
8 that? My comment on that would only be that I would, I personally
9 speaking for myself, I'd be uncomfortable about us getting to the point
10 where we're designing for the applicant, and I don't know how prescriptive
11 we would even be able to be other than to be consistent with the state
12 guidelines or applicable zoning requirements. So, can you guys speak to
13 that? The concerns that we're hearing?

14 Steve Hudson: [05:10:12] Okay, yes. Well I'll just add, Jack, did you
15 wanna go ahead, did you have a comment?

16 Jack Ainsworth: [05:10:17] Yeah, I just wanted to weigh in on this.
17 Yeah, I'm, if in fact the Commission is interested in looking at a different
18 architectural design, reducing massing, massing and scale, then I think
19 there's two options - one is to continue this item in order to see the redesign
20 plans, because I am not comfortable reviewing those plans and having this
21 type of discussion when there's so much subjectivity to that, to that review.
22 The other concern is the, the maximum sizes of the ADUs. I don't know
23 how they would fit and put them within the, the existing site. So those are a
24 lot of loose ends that need to be tied up, if in fact the commission wants to
25 go in that direction. So that's my, that's my two cents.

26 Chair Padilla: [05:11:07] Thank you, Mr. Ainsworth. Commissioner
27 Groom?

28 Commissioner Groom: [05:11:17] I spoke my piece, sir.

1 Chair Padilla: Oh, I just saw your hand up.

2 Commissioner Groom: Oh, no, no.

3 Chair Padilla: Alright, Commissioner Wilson, is your hand up from
4 before or again?

5 Commissioner Wilson: It, before.

6 Chair Padilla: Alright, thank you. Commissioner Uranga.

7 Commissioner Uranga: [05:11:31] Guess you didn't see my hand up. Mr
8 Ainsworth hit the, hit the money, hit the coin on the head, nail on the head.
9 I'm not good at idioms. Anyway, I, we've done this before. The
10 Commission has tried to create projects on the fly from the dais. It's not
11 new. And the last time we did it, I was opposed to that because I don't think
12 that's our job. That's an architect, that, that's architect's job, and **it's between**
13 **the architect, the applicant, and the opponents in regard to what works and**
14 **what would not work.** So, at this point, I think, I'm, I'm gonna agree with
15 Jack that we could probably postpone this. **Have the applicants and the**
16 **architects and everybody involved, all the stakeholders get together and**
17 **come up with something that's gonna be more compatible.** In the city of
18 Long Beach, as an example, we have ADUs with a, with a size requirement
19 of no, no larger than 850 square feet of living spaces. We're just talking a
20 good, good size apartment. Anything less than that is more like a flat and
21 not really an a, an ADU per, per se. But then that's State requirements and,
22 and whatever rules they have, [with ADUs?]. So I would, if there's a move,
23 or a motion I mean, to continue this project and **have the applicants and**
24 **everybody go back and re-design and re-think it.** I think that would... I
25 would, I would support that.

26 Chair Padilla: [05:13:27] Thank you, Commissioner Uranga. My
27 two cents on this is I was sort of leaning in agreement with the Vice Chair. I
28 mean, I think that although **there's a lot of great sentiment and appropriate**

1 policy drive around certain elements that have been discussed, we still can't
2 get away from the framework of what the standards of review are and what
3 the record proves, basically what it substantially or reasonably proves.. And
4 some of this stuff gets to be pretty sub, subjective as the, as the executive
5 director mentioned. And I can understand his reluctance to wanting to
6 resolve this issue with as much [inaudible] on his own. Personally, I would
7 be happy to accept Mr. Hudson's idea about modifications to special
8 condition with regard to revised plans, and then allowing the details about
9 the design and juxtaposition of the ADU and the JDU to be worked out with
10 the experts, frankly, not having us try to design it from the dais. But that's
11 my preference. I think if, if it's the desire of the commission that this be
12 continued and revisited by the Commission, my question first to staff would
13 be, what's our time constraints, if any? Would we need their concurrence to
14 continue this? And if, otherwise what is our, our time constraints? And then
15 again, my personal preference would be just to make a modification to the
16 conditions with respect to revised plans to accommodate what basically the
17 applicants indicated here and move on. But that's just one person. So, I don't
18 know if you can address that, Mr. Ainsworth, and then I'll recognize Vice
19 Chair Brownsey.

20 Steve Hudson: [05:15:09] Yeah, sure. Maybe, yeah, before you jump
21 in, I was just gonna mention there are some deadlines that we, that we have
22 to be cognizant of. So there is no deadline for the de Novo permit
23 application. But there are two items before us, and the second item is the,
24 the regular Coastal Development Permit, what we call our dual permit in the
25 City of LA, and that does have a, a statutory deadline of July 24th, and that's
26 the 270th day. So that would typically require action by the [required?] July
27 hearing, and that would be very difficult as those Staff reports will be going
28 out, I believe next week. What I, what I would perhaps suggest is, if this is

1 the desire of the Commission to continue this in order to have design
2 modifications made, it may be worthwhile to ask the applicant if they are, if
3 they would be interested in pursuing such design changes, or if they would,
4 or if they're only willing to propose the, the current design. And if so, then it
5 would be necessary for them to withdraw and resubmit the, the dual permit
6 in order to allow us time to work with them to, to come up with that, those
7 revisions.

8 Chair Padilla: [05:16:34] Alright, and just for, just hypothetically,
9 with their, would we, if, if we were asking them to do that because of our
10 deliberation, given the long history of the processing of this, would we
11 waive fees, for, I mean, I mean, part of what, you know, the evolution of
12 our agency has been of late is really about collaborations and better
13 interaction and better customer service, and I just, I do think there's some
14 equities here that we don't wanna be handling applicants in such a way that
15 appears a little abusive. And that's a big ask for any applicant. I'm certainly
16 willing to entertain whether they're willing to entertain that, but that I, that's
17 one of the things that I'd be interested in, and what our perspective on that
18 would be.

19 Jack Ainsworth: [05:17:15] Mr. Chairman, you have the ability to
20 waive fees.

21 Chair Padilla: Thank you. Alright, let's hear from the applicant's
22 representative, Mr. Gaines. I am assuming you're listening to the
23 deliberation, if you wanna come back into the hearing.

24 Meeting Organizer: I'm bringing in Mr. Gaines in right now.

25 Fred Gaines: [05:17:37] Hello, can you hear me?

26 Chair Padilla: We can.

27 Meeting Organizer: Yes.

28 Fred Gaines: [05:17:40] Alright, I need another 20 seconds to

1 finish 'cause I have the applicant on the phone. We're not in the same
2 location

3 Chair Padilla: That's fine.

4 Commissioner Uranga: May I suggest a short recess?

5 Chair Padilla: Do you think we need to take a recess for about 10
6 minutes and come back? Alright.

7 Fred Gaines: I'm sorry, Mr. Chairman, that would be great for me
8 to be able to discuss this with my client.

9 Chair Padilla: [inaudible]

10 Jamee Patterson: Or, or you could trail this and take the next item up
11 and finish that one, its findings.

12 Chair Padilla: Yeah, it should go quickly. Is that acceptable to the
13 Commissioners? Or does somebody need a bio break or something?

14 Commissioner Uranga: I, I'm acceptable to that.

15 Chair Padilla: Alright, thank you.

16 Unknown Commissioner: Yeah, me too.

17 Chair Padilla: Alright, we'll trail this, and we'll take up item 18a.
18 Mr. Gaines, we'll be back to you.
19

20 *[05:18:34 to 05:34:07 - Discussion of item 18a]*
21

22 Chair Padilla: [05:34:08] And I think we will return now to item
23 17b. Mr. Hudson?

24 Steve Hudson: Okay, so we were waiting for the, the applicant will
25 return to us and they were gonna give us some idea of where they would
26 like to go forward or how they would like to proceed with this.

27 Chair Padilla: Let's see if we can bring Mr. Gaines back in.

28 Meeting Organizer: Mr. Gaines, are you there? You should be able to

1 speak, you're in the meeting now.

2 Fred Gaines: [05:34:40] Yes, I am here. Thank you very much. My
3 client is, is willing to, to make some modifications to the massing to
4 accommodate some of the comments that were made by several of the
5 commissioners. We're, we're willing to waive the 270-day limit. I don't
6 know whether your counsel allows for that limit to be waived. If it's, if not,
7 and we are will, if, did you wanna go ahead on that? Or do you want me to
8 speak?

9 Chief Counsel Warren: Well, the Permit Streamlining Act does not allow it
10 to be a waived.

11 Fred Gaines: Okay. So if it's gonna be a re-submission, we would
12 want our, we would, we would like the fees to be waived. We'd like an
13 agreement that would be expedited, and hopefully we get back in front of
14 the Commission in August or September. That, and then my, I'll be honest,
15 my only concern is that the re-submission not be considered, and, and of
16 course, I haven't had time to legally research this, that we would now be
17 under the Housing Crisis Act. We'd still be operating under a permit that
18 was made to the City prior to the Housing Crisis Act, but I would like, you
19 know, it only works if we're not, if we continue to be not under that Act.
20 Then a compromise as we've suggested with the two ADUs and the, and
21 some revision to the massing can work. If not, we're thrown into a different
22 legal situation. So if, if under those conditions, we would be, you know,
23 willing to do that and willing to work with staff and, and come back to the
24 Commission as quickly as possible.

25 Chair Padilla: [05:36:25] Can either Mr. Ainsworth or Mr. Hudson
26 and then Chief Counsel address that, please?

27
28 Chief Counsel Warren: I can, I can weigh in on that, and Senior Attorney

1 Tobin is in the meeting as well, and she's researched this. It's my
2 understanding that Housing Crisis Act applies to local governments and the
3 local government application is already in and has been processed by the
4 local government, so that it would not apply. But, Erin, Ms. Tobin, do you
5 have anything to add?

6 Senior Attorney Tobin: [05:36:55] Yes, no, that's correct. I agree with what
7 Chief Counsel Warren has said. The Housing Crisis Act applies to local
8 governments, to cities and counties, and it does not apply directly to the
9 Commission. So resubmitting the application to the Commission shouldn't
10 affect whether or not the Housing Crisis Act applies to this permit
11 application.

12 Chair Padilla: Thank you very much. That's helpful. Mr. Gaines,
13 were you able to hear that response?

14 Fred Gaines: [05:37:27] I was, and I'm very appreciative and I, I
15 agree, and having that confirmation with that, if, if it's the Commission's
16 desire, we would be willing to resubmit if we, if we can have fees waived,
17 and we'd, we'd like to get a commitment to try and get it back on the agenda
18 in August or September.

19 Chair Padilla: Alright. If you indicate that you are withdrawing and
20 will resubmit, you'll need to indicate that formally. And then second
21 question for Chief Counsel, would we need to take a vote at this point to
22 direct staff with respect to waiver of fees, if that's what the Commission
23 wanted to do?

24 Chief Counsel Warren: We have done that in the past, where the Commission
25 has directed staff at this point in the process.

26 Chair Padilla: Do you just need consensus, or do you need a formal
27 vote?

28 Chief Counsel Warren: I'm afraid we'd need a formal vote.

1 Chair Padilla: Alright, I'm certainly happy to support it.
2 Commissioner Rice?

3 Commissioner Rice: [05:38:20] If, thank you. And I want to, I, I will
4 support this direction, and I want to apologize to the applicant for getting a
5 little excited about the size of the ADUs and JDUs and [inaudible], and I
6 had not taken into account actually the timing of the Housing Crisis Act.
7 But also, I just hope that, I hope that you heard it, to make an ADU a, a size
8 that actually would, you know, support a single mom and her child or a
9 couple, it needs to be a, of a reasonable size. So, I would really encourage
10 you to create an AD, ADUs and JDUs that would support, you know, a
11 long-term living situation for a small family or a single. So.

12 Fred Gaines: Yes, thank you. Thank you, Commissioner. And, and
13 the intention is to, to make the ADU, the 550 square foot ADU that's in the,
14 in the house, to a JADU, and then to build a separate, free standing ADU in
15 the, what was the yard pool area. And we believe, I mean, without going
16 into the details quite yet, that that'll allow for an appropriate size ADU to
17 accommodate your concerns.

18 Chair Padilla: [05:39:30] Thank you. Mr. Gaines, so on behalf of
19 the applicant, you are withdrawing the application?

20 Fred Gaines: We are under, you know, it's chicken and egg, under
21 the conditions that the fees are waived and that we can have an agreement to
22 get back as quickly as possible on the Commission's agenda.

23 Chair Padilla: Okay. Ms. Warren, is that sufficient?

24 Chief Counsel Warren: Well, I think, the co, the Commission hasn't acted yet
25 on the, on the fee issue, so I can't weigh in on that. I don't know if you, you
26 could do a straw poll, potentially?

27 Vice Chair Brownsey: Or, or Mr. Chair, I'm, I'm happy to make a motion.

28 Chair Padilla: Right, I'm not asking in regard to...

1 Commissioner Groom: I'll second the motion.

2 Chair Padilla: Thank you. Ms. Warren, I'm asking as far as his
3 withdrawal.

4 Jamee Patterson: You, I think what you do is you move to waive the
5 fees, assuming he withdraws. If he withdraws, then the fees are waived.

6 Chair Padilla: Alright, we'll take it that way. Thanks so much.
7 Commissioner Brownsey? I mean...

8 Unknown Commissioner: Yes.

9 Vice Chair Brownsey: [05:40:22] Thank you, Mr. Chair. I move that we
10 waive the fees and a re-submitted application as well as expedite such re-
11 submitted application.

12 Commissioner Groom: I will second that motion, Commissioner Brownsey.

13 Chair Padilla: Thank you both. Moved by Brownsey, Groom.
14 Further comment to the motion or second?

15 Commissioner Wilson: [05:40:44] This is supervisor, or, excuse me,
16 Commissioner Wilson, and I would, I'm, I'm going along with this, but I
17 will say that, I mean, the results of this need to be with the intent of really
18 making three good units in a space that looks very much like what is in the
19 current construct, and preserve the architectural integrity of that
20 neighborhood. So, with that intent, I will support this.

21 Chair Padilla: Thank you, Commissioner Wilson. Commissioner
22 Bochco? Did you have your hand up? Or no?

23 Commissioner Bochco: Yeah, I did. I only wanted to check with staff and
24 make sure...I don't mind expediting, but I'm not sure we can name the
25 actual month as Mr. Gaines was asking for July or August. They have, you
26 know, incredibly dense calendars for those months, so I just wanna double
27 check with staff.

28 Jack Ainsworth: [05:41:36] Yeah, Mr. Chairman. Yeah, I think the

1 Chair...I would, you know, we, we will expedite this to the extent possible,
2 given our, our, our situation, and we don't know what our situation is gonna
3 be in a couple months. But, you have our commitment to move this forward
4 just as quickly as possible. We're not interested in keeping this on the books
5 any longer than it has to be.

6 Commissioner Bochco: No, I understand. I just wanna make sure that it's not
7 drafted in such a way that you're locked into July and August, 'cause you
8 just, you just don't know.

9 Jack Ainsworth: That's right.

10 Commissioner Bochco: Okay.

11 Chief Counsel Warren: [inaudible] simply to expedite the permit, and I think
12 it sounds like Executive Director Ainsworth is okay with the expediting
13 language.

14 Jack Ainsworth: Yes.

15 Chair Padilla: [05:42:15] Alright, there is a motion and a second to
16 waive fees on the re-application and to expedite review. Is there any
17 additional comment on the motion or second?

18 Chief Counsel Warren: Can I just clarify that that motion is to do those two
19 things if the applicant withdraws.

20 Chair Padilla: Conditioned on the applicant's withdrawal. Yes,
21 thank you. Thank you, thank you. Ms. Boch, Commissioner Bochco, you
22 still had your hand up?

23 Commissioner Bochco: No, I'm sorry. It keeps popping back on.

24 Chair Padilla: Thank you. Alright. Ms. Miller, please call the role.

25 Vanessa Miller: [05:42:52] Commissioner Turnbull-Sanders?
26 Commissioner Uranga?

27 Commissioner Uranga: Aye.

28 Vanessa Miller: Uranga, yes. Commissioner Wilson?

1 Commissioner Wilson: Yes.

2 Vanessa Miller: Wilson, yes. Commissioner O'Malley.

3 Commissioner O'Malley: Yes

4 Vanessa Miller: O'Malley, yes. Commissioner Bochco?

5 Commissioner Bochco: Yes.

6 Vanessa Miller: Bochco, yes. Commissioner Brownsey?

7 Vice Chair Brownsey: Aye.

8 Vanessa Miller: Brownsey, yes. Commissioner Escalante?

9 Commissioner Escalante: Yes.

10 Vanessa Miller: Escalante, yes. Commissioner Groom?

11 Commissioner Groom: Yes.

12 Vanessa Miller: Groom, yes. Commissioner Diamond?

13 Commissioner Diamond: Yes.

14 Vanessa Miller: Diamond, yes. Commissioner Howell?

15 Commissioner Howell: Aye.

16 Vanessa Miller: Howell, yes. Commissioner Rice?

17 Commissioner Rice: Yes.

18 Vanessa Miller: Rice, yes. Commissioner Turnbull-Sanders? Chair

19 Padilla?

20 Chair Padilla: Aye.

21 Vanessa Miller: Padilla, yes. The vote is unanimous.

22 Chair Padilla: [05:43:50] Thank you. With that, the motion is

23 adopted with respect to waiver and expedite. And Mr. Gaines, I assume

24 you'll confirm that you'll be withdrawing?

25 Fred Gaines: Yes, we will withdraw. Thank you so much. And re-

26 submit.

27 Chair Padilla: Thank you. Any, I think that concludes the docketed

28 business for today. Great work on everyone's behalf. Mr. Ainsworth, any

1 closing comments?

2 Jack Ainsworth: No, sir. Just, see you next month.

3 Chair Padilla: Thanks everyone for your patience. Great work. And

4 see you all soon. We are adjourned till July.

5 Commissioner Rice: Bye.

6 Jack Ainsworth: Take care.

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EXHIBIT II

Email to City Planning Lisa Weber
Re. invalid zoning for 2812-2814-2816-2818 Grand Canal

From: Robin Rudisill wildrudi@icloud.com
Subject: Invalid Zoning for 2812-2814-2816-2818 Grand Canal, Venice
Date: July 30, 2020 at 6:46 PM
To: Lisa Webber lisa.webber@lacity.org
Cc: estineh.maillan@lacity.org, debbie.lawrence@lacity.org, Juliet Oh juliet.oh@lacity.org, Jason Douglas jason.p.douglas@lacity.org, Amanda Seward amandaseward@artvista.net, Sue Kaplan sueakaplan@gmail.com, David Ewing moreseriousbus@gmail.com, Ally Bean a@orsonbean.com, Bill Przylycki bill@power-la.org, Faisal Roble faisal.roble@lacity.org, Matthew Glesne matthew.glesne@lacity.org, Steve Hudson Steve.Hudson@coastal.ca.gov, Vaughn, Shannon@Coastal shannon.vaughn@coastal.ca.gov, Ziff, Dani@Coastal Dani.Ziff@coastal.ca.gov



Re. 2812-2814-2816-2818 Grand Canal, Venice
DIR-2016-51-CDP-MEL-SPP
Coastal: 5-20-0363 and A-5-VEN-18-0049

Lisa,

I'm writing to request City Planning to re-examine the proposed project at 2812-2814-2816-2818 Grand Canal in order to correct *the invalid zoning, which has resulted in de facto illegal down zoning*. It is critical that a precedent is not set for the existing multi-family housing in the Venice Canals.

During our analysis of the project, we became aware that the General Plan Land Use designation for this site is Multi-Family Low Medium II and that the current zoning on this parcel is inconsistent with the General Plan.



Canal Zoning in
Genera...lan.pdf

The project has been treated as if the zoning is single family, even though the site is designated for multi-family use in the General Plan.

We are in a housing crisis and must not allow erroneous zoning that is inconsistent with our General Plan multi-family land use designations. This is detrimental to our City at a time when multi-family housing and existing density should be protected more than ever before.

This case is a prime example of how zoning errors are hurting our City and is especially poignant in the Coastal Zone areas:

1. The LAMC RW1 zoning is in error as RW2 up to RD1.5 are the correct corresponding zones in the General Plan Land Use Map for the Venice Community Plan.
2. The Venice Coastal Zone Specific Plan is also in error, as it indicates zoning of RW1, which should be RW2 up to RD1.5.
3. The coastal land use designation in the certified Venice Land Use Plan is also in error as it is Low Medium I and should be Low Medium II.

The result of this zoning error for the 2812-2814-2816-2818 Grand Canal project is that we lose four full rental dwelling units in the Venice Coastal Zone. The proposed project is for a single-family dwelling, although thanks to an appeal of the project to the Coastal Commission an ADU and JADU have been added. However, ADUs are accessory uses and don't mitigate the loss of real, multi-family housing. It should also be noted that the four lost rental units were covered by the RSO, as are the other multi-family dwellings in this same area that are impacted by this invalid zoning.

The L.A. General Plan and Venice Community Plan land use designations are the higher authority over the zoning regulations. A zoning ordinance that conflicts with the General Plan at the time it is enacted is "invalid at the time it is passed" (Leshner Communications v. City of Walnut Creek (1990) 52 Cal.3d 531; accord, Sierra Club v. Board of Supervisors (1981) 126 Cal.App.3d 698). Furthermore, the California Supreme Court states that "[t]he Planning and Zoning Law does not contemplate that general plans will be amended to conform to zoning ordinances. The tail does not wag the dog." (Leshner Communications v. City of Walnut Creek, supra, at p. 541).

Additionally, the California Government Code (65860(c)) states that "in the event that a zoning ordinance becomes inconsistent with a general plan by reason of amendment to the plan, or to any element of the plan, the zoning ordinance shall be amended within a reasonable time so that it is consistent with the general plan as amended." The zoning on this parcel was not amended within a reasonable time and the General Plan land use designation must prevail.

GOVERNMENT CODE - GOV
TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] (Heading of Title 7 amended by Stats. 1974, Ch. 1536.)
DIVISION 1. PLANNING AND ZONING [65000 - 66301] (Heading of Division 1 added by Stats. 1974, Ch. 1536.)
CHAPTER 4. Zoning Regulations [65800 - 65912] (Chapter 4 repealed and added by Stats. 1965, Ch. 1880.)
ARTICLE 2. Adoption of Regulations [65850 - 65863.13] (Article 2 added by Stats. 1965, Ch. 1880.)
65860. (a) County or city zoning ordinances shall be consistent with the general plan of the county or city by January 1, 1974. A zoning ordinance shall be consistent with a city or county general plan only if both of the following conditions are met:
(1) The city or county has officially adopted such a plan.
(2) The various land uses authorized by the ordinance are compatible with the objectives, policies, general land uses, and programs specific in the plan.
(b) Any resident or property owner within a city or a county, as the case may be, may bring an action or proceeding in the superior court to enforce compliance with subdivision (a). Any such action or proceeding shall be governed by Chapter 2 (commencing with Section 1084) of Title 1 of Part 3 of the Code of Civil Procedure. No action or proceeding shall be maintained pursuant to this section by any person unless the action or proceeding is commenced and service is made on the legislative body within 90 days of the enactment of any new zoning ordinance or the amendment of any existing zoning ordinance.
(c) In the event that a zoning ordinance becomes inconsistent with a general plan by reason of amendment to the plan, or to any element of the plan, the zoning ordinance shall be amended within a reasonable time so that it is consistent with the general plan as amended.
(d) Notwithstanding Section 65803, this section shall also apply to a charter city.
(Amended by Stats. 2018, Ch. 856, Sec. 6. (SB 1333) Effective January 1, 2019.)

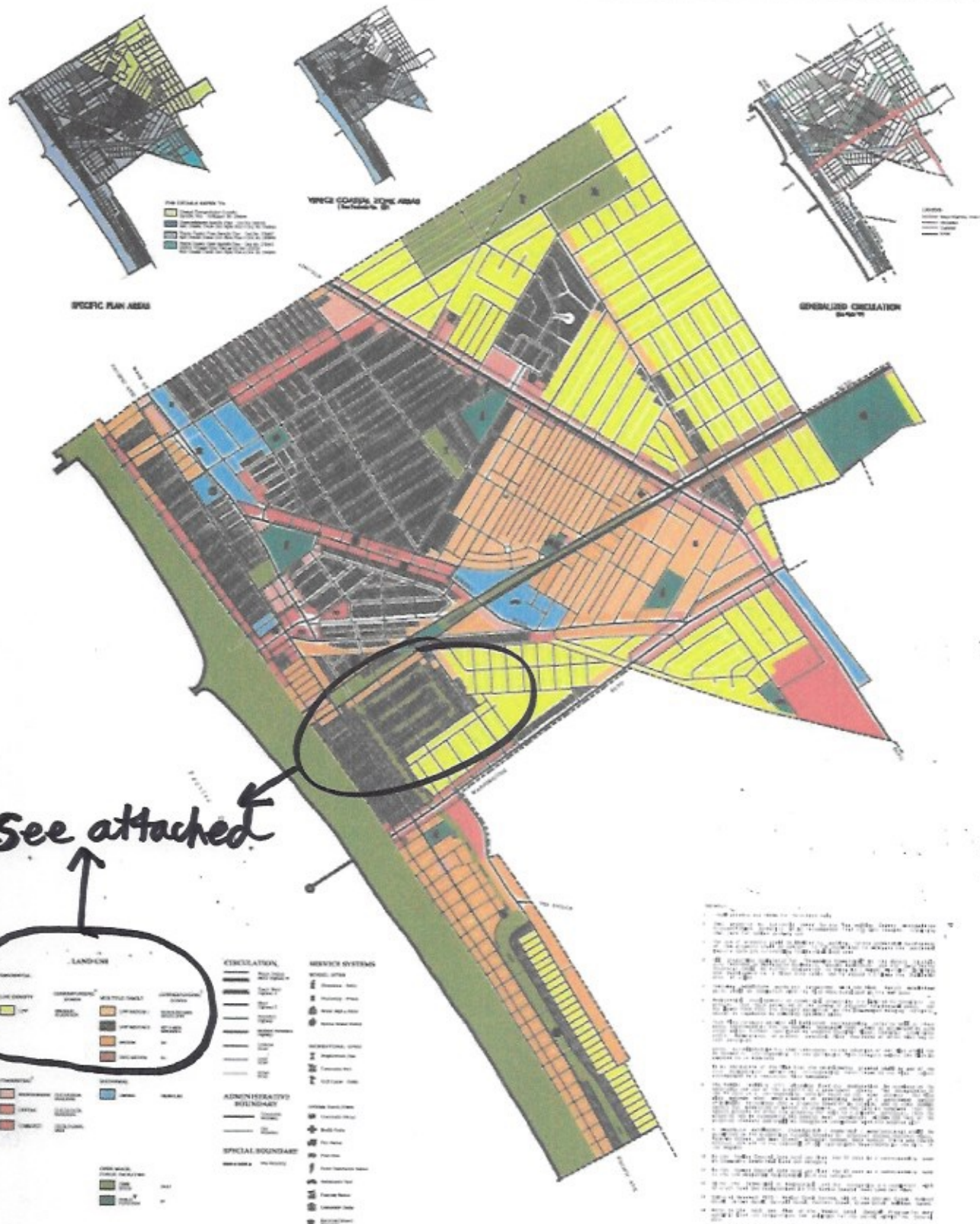
The LAMC, VCZSP, and LUP zoning regulations for this project are all erroneous and in conflict with the Land Use Element of the General Plan / Venice Community Plan. Given that we have discovered that the zoning is invalid, the zoning and permits for this project cannot be issued and must be reconsidered and corrected.

This case currently has no CDP as the City CDP was voided on appeal to the Coastal Commission and the state CDP has not yet been issued.

It is especially important given that we are in a housing crisis that City Planning re-examine this case with invalid zoning that is resulting in the loss of 4 units of multi-family housing.

Time is of the essence as the applicant has resubmitted a revised project that is up for consideration at the Coastal Commission hearing on August 12th. We ask that you please re-examine the zoning issues immediately and inform the Coastal Commission that the zoning applied to the project to date is invalid and that this must be corrected prior to the Coastal Commission approving the State CDP (the City's CDP was voided during the appeal process). In order to avoid a significant adverse cumulative impact on the nine multi-family, RSO dwellings in the Canals neighborhood, the project must be permitted correctly, as multi family.

*For the Love of Los Angeles
and our precious Coast,
Robin Rudisill
(310) 721-2343*





2812-2814-
2816-2818
Grand Canal

The Venice
Community Plan
Shows the
Venice Canals as
Multiple Family
Low Medium II.
Even if one
argues RW1 is
Low Medium I
it is still
Multiple
Family.

VIA DOLC

LAND USE

RESIDENTIAL

LOW DENSITY

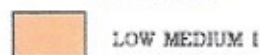


LOW

CORRESPONDING ZONES

RE9, RS, R1,
RU, RD6, RD5

MULTIPLE FAMILY



LOW MEDIUM I



LOW MEDIUM II



MEDIUM



HIGH MEDIUM

CORRESPONDING ZONES

R2, RD3, RD4, RZ3,
RZ4, RU, RW1

RD1.5, RD2,
RW2, RZ2.5

R3

R4

EXHIBIT 111:
Applicable excerpts from the certified Venice Land Use Plan

EXHIBIT 3

SUMMARY OF VENICE COASTAL ISSUES

Locating and Planning New Development

Residential Land Use and Development

- Preservation of existing housing stock, and discouragement of conversion of residential uses to commercial use where appropriate.
- Provision of very low, low, and moderate income housing for a cross-section of the population, including persons with special needs.
- Illegal conversion of residential uses to commercial uses and illegal provision of residential uses.
- Enforcement and regulation of encroachments into public rights-of-way.

Commercial Land Use and Development

- Encouragement of coastal development, recreation, neighborhood- and visitor-serving facilities.
- Regulation of development which is out of scale with existing community character.
- Regulation of open-air vendors along Ocean Front Walk.
- Over-development of the Coastal Zone resulting in traffic congestion.
- Over-intensification of commercial uses.

Industrial and Railroad Rights-of-Way Land Use and Development

- Preservation of the existing industrial land use base and employment opportunities.
- Regulation of the location and types of non-coastal-dependent industrial uses.
- Appropriate use of railroad rights-of-way.

Development within Natural and Recreational Resource Areas/ Protection of Views

- Protection of existing natural and recreational resources, including the Venice Canals, Ballona Lagoon, Grand Canal south of Washington Boulevard, and Venice Beach.
- Protection of coastal views and vistas.

**Development Within
Natural and
Recreational Resource
Areas/Protection of
Views**

Policy I. D. 1. Canale and Ballona Lagoon Waterways. The Venice estuaries and wetlands including the Ballona Lagoon, Venice Canals, and Grand Canal south of Washington Boulevard, are designated in the Land Use Plan as natural and coastal recreational resources, and are rezoned to the "Open Space" designation.

Venice Local Coastal Program

II-25

Adjacent Use/Development: The only permitted development adjacent to the canals and lagoon shall be habitat restoration, single-family dwellings, public parks and walkways, subterranean or surface public parking lots, maintenance activities and emergency repairs. Surface public parking lots shall be permitted only where sufficient access and roadway capacity exists to accommodate such parking. New construction along the Canals, and Ballona Lagoon shall comply with standards for setbacks, noise barriers, landscape plan, pervious surfacing with drainage control measures to filter storm run-off and direct it away from environmentally sensitive habitat areas, buffer areas in permanent open space, land dedication for erosion control, and wetland restoration including off-site drainage improvements. For more details refer to the provisions contained in Policy Group I.A., Residential Land Use and Development Standards, and Policies IV.C.1 and IV.C.2, Stormwater Runoff and Circulation.

pedestrian scale which results in consistency with neighboring structures on small lots. Such buildings shall provide habitable space on the ground floor, a ground level entrance and landscaping and windows fronting the street. No increase in the number of units shall result from the lot consolidation.

- iii. Front porches, bays and balconies shall be provided to maximize architectural variety.

Single-Family Residential

The Venice LUP recognizes the importance of the existing pedestrian scale single-family residential neighborhoods and the need to conserve them. As most communities, the greater portion of Venice was originally developed with single-family homes for both permanent residents and as temporary resort housing. Today stable single-family neighborhoods continue to exist in portions of Venice. While the standard low density, one unit per 5,000 square foot lot is common in Venice, single-family homes on lots as small as 2,500 square feet are just as common and a reminder of the community's origin as a resort town. The maintenance of the character and density of these stable single-family neighborhoods is consistent with the objectives of the State Coastal Act and the City's General Plan.

Policy I. A. 2. Preserve Stable Single-Family Residential Neighborhoods. Ensure that the character and scale of existing single-family neighborhoods is maintained and allow for infill development provided that it is compatible with and maintains the density, character and scale of the existing development. A second residential unit or an accessory living quarter may be permitted on lots designated for single-family residence land uses, provided that the lot has a minimum lot area of 4,600 square feet in the Venice Canals subarea, or 10,000 square feet in the Silver Strand, Southeast Venice, or Oxford Triangle subareas, and all units conform to the height limit, parking requirements, and other development standards applicable to the site.

Policy I. A. 3. Single-Family Dwelling - Low Density. Accommodate the development of single-family dwelling units in areas designated as "Single-family Residential" and "Low Density" on the Venice Coastal Land Use Plan. (Exhibits 9 through 12). Such development shall comply with the density and development standards set forth in this LUP.

Southeast Venice and the Oxford Triangle

Use: Single-family dwelling / one unit per lot

Density: One unit per 5,000 square feet of lot area

Yards: Yards shall be required in order to accommodate the need for fire safety, open space, permeable land area for on-site percolation of stormwater, and on-site recreation consistent with the existing scale and character of the neighborhood.

- Does not include Canals
- Low Density
- Single Family dwelling / one unit only
- ADUs are also allowed

Height: Not to exceed 25 feet for buildings with flat roofs or 30 feet for buildings with a varied or stepped back roof line. (See LUP Policy I.A.1 and LUP Height Exhibits 13-16).

- Includes Canals
- Low Medium I Density, a Multiple Family Zone
- Allows two units on lots $\geq 4,600$ sf
- Additional ADU units are allowed

Policy I. A. 4. Single-Family Dwelling - Low Medium I Density.

Accommodate the development of single-family dwelling units in areas designated as "Single-family Residential" and "Low Medium I Density" on the Venice Coastal Land Use Plan (Exhibits 9 through 12). Such development shall comply with the density and development standards set forth in this LUP.

a. Venice Canals

Use: Single-family dwelling / one unit per lot

Density: One unit per 2,300 square feet of lot area. Lots smaller than 5,000 square feet shall not be subdivided. Lots larger than 2,300 square feet shall not be combined.

Buffer/Setback: In order to provide a setback for access, visual quality, and to protect the biological productivity of the canals, an average setback of 15 feet, but not less than 10 feet, shall be maintained in the front yard adjacent to the canal property line.

Yards: An open, permeable yard of at least 450 square feet for a 30-foot wide lot, and at least 600 square feet for a 40-foot wide lot, shall be maintained between the canal property line and the front of any structure. A minimum 10-foot front yard setback, with a required 15-foot setback average, shall provide the required permeable front yard area. No fill nor building extensions, including stairs and balconies, shall be placed in or over the required permeable front yard area with the exception of 42-inch high fences or permeable decks at grade (no more than 18" high).

Height: Not to exceed 22 feet for any portion within 10 feet from the canal property line. Thereafter, an ascending height equal to one half the horizontal depth from this 10-foot line with a maximum height of 30 feet. Roof access structures shall be set back at least 60 horizontal feet from the mean high tide line of the fronting canal. Notwithstanding other policies of this LUP, chimneys, exhaust ducts, ventilation shafts and other similar devices essential for building function may exceed the specified height limit in a residential zone by five feet. (See LUP Policy I.A.1 and LUP Height Exhibits 13-16).

b. Silver Strand

1. Lagoon Fronting Lots/Lots Adjacent to Esplanade East:

Use: Single-family dwelling / one unit per lot

Density: One unit per 4,000 square feet of lot area

Lagoon Buffer: No development other than public access improvements and habitat restoration shall be permitted within a 40-

the 2 units are equal and one is not an accessory use to the other

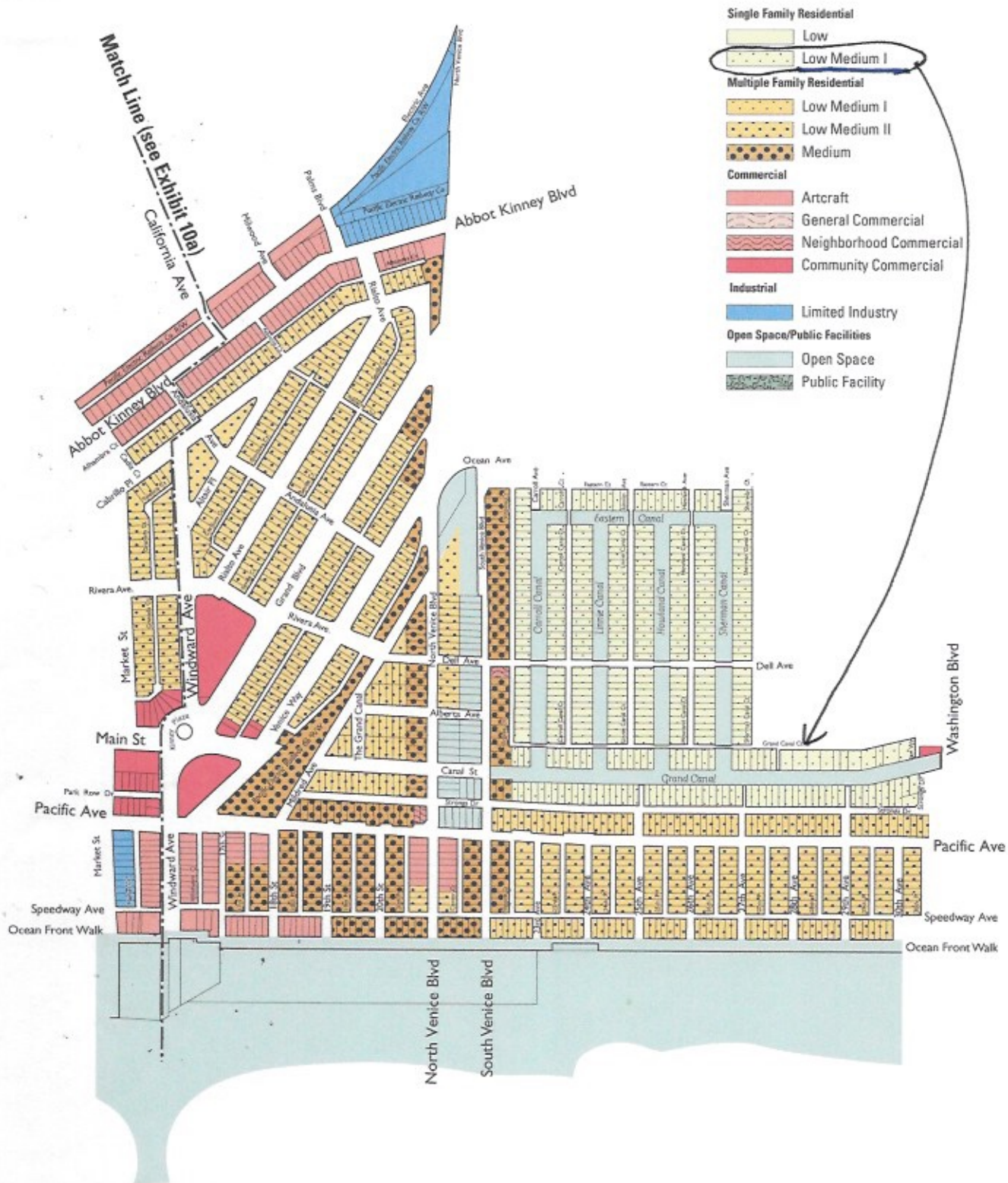


Exhibit 10b
Land Use Plan (Map): North Venice • Venice Canals





Exhibit 11b
Land Use Plan (Map): Oakwood • Milwood • Southeast Venice

EXHIBIT IV:
City of L.A. definition of “Low Medium I” land use designation

Los Angeles General Plan—Housing Element

TABLE 2.1:
General Plan Land Use Categories

Residential Land Use Categories	Corresponding Zoning ¹	Density (Units / Net Acre)
Minimum	A1, A2, RE 40	0.4 – 1
Very Low I	RE 20, RA	1 – 3
Very Low II	RE 15, RE 11	3 – 4
Low I	RE 9, RS, RU	4 – 9
Low II	R1, RZ5	4 – 9
Low III	RD 5, RD 6	7 – 9
Low Medium I	R2, RD3, RD4, RZ3, RZ4, RU, RW1	9 – 18
Low Medium II	RD1.5, RD2, RW2, RZ2.5	18 – 29
Medium	R3	29 – 55
High Medium	R4	55 – 109
High	R5	109 – 218
Limited Commercial	C1, C1.5, CR, R3, RAS3, P	29 – 55
Neighborhood Commercial	C1, C1.5, CR, C2, C4, R3, RAS3, P	29 – 55
Community Commercial	C1.5, CR, C2, C4, R3, RAS3, R4, RAS4, P	29 – 109
Regional Center/ Regional Commercial	C1.5, CR, C2, C4, R4, RAS4, R5, P, P3	29 – 109
Hybrid Industrial	CM, P	29 – 109

Source: City of Los Angeles, Department of City Planning

Table3-1

LAND USE STANDARDS AND TYPICAL DEVELOPMENT CHARACTERISTICS*

* The City's zones generally allow uses which are permitted in more restricted zones. This is set forth in the LAMC. The Framework this system.

Category	Typical Characteristics/Uses
<i>Residential</i>	
Single-Family Residential	<ul style="list-style-type: none"> • Single-family dwelling units • Supporting uses (parks, schools, community centers, etc.) • Infill development shall be designed and sited to maintain the salient characteristics of the neighborhood in which it is located (e.g., setbacks, building mass, rural, equestrian, etc.) • Incentives for upgrades of deteriorated and aging housing stock • 1 - 9 units per net acres. Specific densities are established by community plans using the following categories: <ul style="list-style-type: none"> ◦ Minimum-Density (in hillside areas the slope density provisions of the LAMC shall apply) ◦ Very Low I ◦ Very Low II ◦ Low I ◦ Low II ◦ Duplex/granny flat
Multi-Family Residential	<ul style="list-style-type: none"> • Multi-family dwelling units • Supporting uses (parks, schools, community centers, etc.) • Low Medium I: 10-17 dwelling units/net acre • Low Medium II: 18-29 dwelling units/net acre • Medium: 30-55 dwelling units/net acre • High Medium: 56-109 dwelling units/net acre • High: 110-218 dwelling units/net acre • Densities may be adjusted to achieve neighborhood stability and quality of life (refer to policies for factors to be considered)

Venice Community Plan

PLAN POPULATION AND DWELLING UNIT CAPACITY

Residential Land Use Category	Dwelling Units Per Net Acre Midpoint	Number of Dwelling Units*	Net Acres	Persons Per Dwelling Unit (2010)	Reasonable Exp. Population (2010)
Low	6.5 (4+ to 9)	2,178	335	2.47	5,380
Low Medium I	13.5 (9+ to 18)	1,776	135	1.96	3,481
Low Medium II	23.5 (18+ to 29)	7,881	331	1.96	15,447
Medium	42 (29+ to 55)	3,932	111	2.00	7,864
High Medium	82 (55+ to 109)	2,052	6	2.03	4,104
TOTALS		17,819	918		36,276

* There are approximately 1,380 dwelling units developed at the south end of Lincoln Boulevard on commercially designated land (Marina Pointe apartments and condominiums) which are not reflected in this chart.